

City Hall - January 5, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners McCrea, Larson, Lister and Marstall. Absent: None.

Approval of Minutes

On Page 123 of the minutes of the meeting held on December 22, 1982, under the heading "Comments Concerning the Upcoming Election on the City Manager Form of Government" the following changes were effected. The statement that 54% of the cities in Kansas presently have the city manager form of government was changed to reflect that 54% of the people of the State of Kansas are represented by the Commission-Manager form of government. The statement that the Mayor-Commission form of government was being used in only sixteen cities in the State of Kansas, or a total of nine percent of the cities, should be changed to reflect that the commission form of government was being used in sixteen cities in the State of Kansas, or a total of nine percent of the population. It was further pointed out that all reference to the city manager form of government should be termed the "commission-manager" form of government, and that all reference to the mayor-commission form of government should be the "commission" form of government. The balance of the minutes were approved as written.

Report of Planning Commission Meeting

Mayor Snyder directed that the City Clerk read the report of the Planning Commission meeting. The report is as follows:

The City Planning Commission met in regular session at 7:00 p.m. on January 4, 1983. Present: Chairman Koch and Members Underwood, Thornburg, Spears, Searls, Wellington and Jackson. Absent: None.

The minutes of the last regular meeting held on December 7, 1982, were approved as written.

The Planning Commission decided by a 7-0 vote to recommend the incorporation of a storm sewer network serving the 900 and 1000 blocks of Olive and Cypress in the city's Capital Improvements Program.

The Planning Commission discussed potential problem areas with the city's Zoning Ordinance with Myles Schachter, the city's planning consultant. The Planning Commission decided by a 7-0 vote to hold a public hearing at a future date to consider the incorporation of drugstores as an allowable use in the O-I (Office-Institutional) district. In addition, the Planning Commission took several other matters under discussion and decided that all these items would be reviewed thoroughly before a public hearing was called to consider an amendment to the Zoning Ordinance dealing with these matters.

There being no further business, the meeting was adjourned.

At the conclusion of the report, Mr. McCrea inquired if the Planning Commission's recommendation to include the storm sewer network serving the 900 and 1000 blocks of Olive and Cypress Streets in the city's Capital Improvements Program was a recommendation for 1983. The city manager answered that although it did not state it is in the report, it was the intention of the Planning Commission to recommend the inclusion of this project in the 1983 Capital Improvements Program. Mr. Marstall questioned as to why the inclusion of drugstores as an allowable use in the O-I district was surfacing at this time. It was reported by the city manager that Mr. Schachter, the city's planner, discussed several items with the Planning Commission, which items had come from the city inspector by way of citizen inquiry. The inclusion of drugstores in the O-I district, particularly the district located west of Ransom Memorial Hospital, would be appropriate. Mayor Snyder then commented that it might be appropriate that the difference between a drugstore and a pharmacy operation be defined. Upon approval of all members of the City Commission, the report of the Planning Commission was accepted and placed on file.

City Investment Schedule for December 1982

Commissioner Lister made a motion that the City Investment Schedule for December 1982 be approved, stating that the total investments of the city as of December 31, 1982, were \$5,635,000 at an average interest rate of 8.147 percent. The motion was seconded by Commissioner Larson, and all present voted in favor of the motion.

Agreement for Architectural Services

Commissioner Lister made a motion that an agreement with Devore Associates/Architects for professional services in conjunction with the city's Community Development Block Grant housing rehabilitation program be approved. The motion was seconded by Commissioner Larson. It was discussed that the city has received an allocation of \$160,000 in Community Development Block Grant funds for the purpose of housing rehabilitation. As in the past, Mr. Devore would inspect the houses proposed for rehabilitation to determine whether it is feasible to do such work. He would draw the specifications for the work, take bids for the work and assist in the inspection of the houses prior to payment of the rehabilitation services. Mr. Devore's fee was reported as slightly increased over the previous agreement with him. Upon call for the question, all present voted in favor of the motion.

Proclamation - Energy Assistance Week

Mr. Herman VanArsdale appeared before the City Commission representing the Energy Coalition requesting the Governing Body approve a proclamation proclaiming the week of January 15-21, 1983, to be Energy Assistance Week. Mr. VanArsdale stated that on January 15 the Energy Coalition would be holding a radiothon in the multi-purpose room of the Middle School from 9:00 a.m. to 4:30 p.m., at which time they will solicit contributions and pledges for the energy coalition to assist people in paying their energy bills this winter. In addition, during the time of the radiothon there will be a talent show and at 4:30 p.m. there will be a basketball game that is open to the public. The goal established for fund raising on this date is \$15,000. Mr. VanArsdale stated that anyone wishing assistance in meeting energy bills may apply directly to the Energy Coalition and there are no administrative costs involved in the coalition's work as all labor is provided by volunteers. Commissioner Lister made a motion that the mayor be authorized to sign the proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Notice of Sale - Mears Park

The City Governing Body by consensus approved the publication of a notice of sale of the Mears Park property. The notice is to be published once each week in the official city newspaper for two consecutive weeks upon the same day of the week. If within thirty days of the final publication a petition of protest has not been received by the city, the city will proceed to sell the Mears Park property.

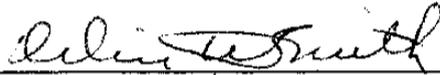
Housing Assistance Program

City Manager David Watkins informed the City Commission that he had been approached by the Department of Housing and Urban Development to inquire if the City of Ottawa would be interested in participating in a housing assistance program. The housing assistance program is one that if the rental units are approved, the tenant would pay no more than twenty-five percent of their gross income for rent and the balance of the rent would be subsidized by the Department of Housing and Urban Development. Mr. Watkins stated that there are several such units in Ottawa today, naming the Sunflower apartment complex, the Pine Manor and the Mission Woods as well as the Canterbury Courts complexes.

Commissioner Lister requested that the City Commission be provided with the forms and the packets of information concerning such a program. It was reported by the city manager that in order for the city to qualify for such a program, they would have to establish a housing authority.

Mayor Snyder and other members of the City Commission voiced concern regarding the establishment of a housing authority, their main concern being that the housing authority becomes an autonomous group over which the City Commission would have no control. It was directed that the program be presented to the Board of Contractor Examiners, the Fair Housing Task Force and the City Planning Commission in order that they might review the proposal and then relay their feelings and concerns for such a program and the establishment of a housing authority. The City Governing Body took no action at this time but deferred the matter for further study.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - January 19, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners Lister, Marstall and McCrea. Absent: Commissioner Larson.

Mayor Snyder opened the meeting by stating that the printed agenda for today's meeting was quite short, containing only one item. Whereby, the City Commission proceeded to consider amending the 1983 Capital Improvements Program to include the construction of a storm drainage network to alleviate flooding in the 900 block of Olive Street.

Commissioner McCrea made a motion that the 1983 Capital Improvements Program be amended to include the construction of a storm drainage network to alleviate flooding in the 900 block of Olive Street. The motion was seconded by Commissioner Lister.

Commissioner Marstall then requested that City Manager David Watkins be called on to report on the events leading to the Planning Commission's recommendation to amend the Capital Improvements Program.

City Manager Watkins stated that the events leading to the Planning Commission's recommendation began in the spring of 1982 with a letter from Mrs. Donna Adell, 917 Olive, requesting that something be done to alleviate the flooding situation in the 900 block of Olive. Due to the recent flooding conditions her garage was full of water. The city manager then requested that the city engineer study the area and make a recommendation as to what could be done to alleviate the flooding problem. The city engineer reported back to the city manager, stating that two additional storm drainage tubes would need to be installed in the area and the cost of installation of such tubes would be approximately \$15,000, with the utilization of city labor. If the project were placed for bid, the cost would be approximately \$30,000. The situation was reported to the Planning Commission and the Planning Commission held hearings concerning the possibility of amending the 1983 Capital Improvements Program to include the improvement of storm drainage in this area. At the public hearings, all residents of the area who appeared were in favor of such improvements. The Planning Commission's recommendation on the subject was that the 1983 Capital Improvements Program be amended to include the construction of storm drainage appurtenances in the area and that the city utilize city labor, holding the cost of such improvement to approximately \$15,000. The Planning Commission further recommended that the cost of such improvement be paid by the city-at-large through a General Obligation Bond issue. It was estimated that the cost of the improvement through a General Obligation Bond issue for a period of ten years would cost approximately one-tenth of one mill per year. The city manager further reported that it would be very difficult to use city labor at this point in time because the water and sewer crews are presently involved in moving water mains on Seventh Street to make way for the Seventh Street improvement, water mains must be moved on north Main to make way for the north Main improvement, and the water crews then must move to the Central Business District to install new mains to make way for the Central Business District improvement.

Commissioner Marstall suggested that the City Commission act on the motion presently before them and that at the conclusion of that action he would make a motion concerning how the project should be constructed. Upon call for the question, all present voted in favor of the motion.

Commissioner Marstall made a motion that the city let bids to contract for the construction of a storm drainage system in the 900 block of Olive Street. The motion was seconded by Commissioner McCrea. Commissioner Lister questioned as to whether any specific engineering had been done on this project to date. The city manager answered Mrs. Lister that the engineering for this project had not been undertaken.

It was further questioned that if this project could be tied to another project, would it possibly be accomplished at a lower cost as this project in itself is relatively small? The city manager reported that the city was faced with a similar situation a couple of years ago on a main sewer to serve the new McDonald's restaurant and on that project the city did receive a very favorable bid. There being no further discussion on the matter, the question was called and all present voted in favor of the motion.

Mayor Snyder then asked if any of the City Commissioners had any subjects on which they wished to comment at this time. Commissioner Marstall stated that he thought it was an opportune time to comment further on the city's contractual arrangement, including Fredonia, Mulvane, Neodesha, Winfield and Baldwin City, with the City of Ottawa and the Kansas Municipal Energy Agency. Commissioner Marstall explained that these cities with the City of Ottawa had contracted through the Kansas Municipal Energy Agency with the Kansas City, Kansas, Board of Public Utilities to purchase 37,500 kilowatt hours of electricity over the next fifteen years. The electricity to be furnished by the Board of Public Utilities is to be produced at the Nearman No. 1 coal-fired generating station and supplied to the cities over the power lines owned and operated by other utility companies. The cities involved, working through the Kansas Municipal Energy Agency had recently been able to sell bonds in the amount of \$16,000,000 at a very favorable rate ranging from 6.25 percent and 9.5 percent for short-term bonds to 10.25 percent for long-term bonds to finance the power purchase agreement. The Kansas Municipal Energy Agency will do all dispatching, billing and take care of the pool requirements in the MOKAN pool. In addition to the foregoing, through the Kansas Municipal Energy Agency, studies will be run to achieve the lowest possible power cost for the cities involved. The Kansas Municipal Energy Agency will also work to acquire hydroelectric power to be received from southern Missouri and Arkansas. During the course of putting together the agreement to purchase power from the Kansas Municipal Energy Agency, the R. W. Beck & Co. Engineering Consultants has studied the power needs of this city and the other cities through 1991. That, coupled with the city's engineering consultant, A. C. Kirkwood & Associates, who has been working with the city for the past ten years as our power plant consultant, we feel have come up with the best possible arrangement for power for the City of Ottawa. It is calculated that the present power purchase agreement will save the City of Ottawa \$15,181,400 in electric costs in the next eight years if the current projections hold steady. Most of the savings is in fuel cost. The contract which the city has just completed is for just fifteen years power purchase with option to extend. By entering into such an agreement, it is hoped that future City Commissions will not have to become so deeply involved in power purchase and generation as this City Commission has had the foresight to do.

Mayor Snyder then asked if any other Commissioners had any subject on which they wished to comment. Commissioner Lister stated that she would like to make some comments on the city's insurance program. Commissioner Lister stated that a few years ago the city received a grant from the League of Kansas Municipalities for a study of the insurance program. As a result of the study, many deficiencies were revealed that have since have been corrected, at a large savings to the city. The study conducted for the City of Ottawa has been used not only by this city but also by other cities as well. The City of Ottawa, upon completion of the study, was able to put together a package of insurance adequately covering the city facilities and vehicles and offer it for a bid process to the local insurance companies. As a result of the bidding process, the city has realized a savings of more than \$50,000 in the past two years, even with the addition of the new water plant and new power plant to the list of assets requiring coverage. The exception to the bidding process was the airport, for which the city had to seek bids in markets outside Ottawa to secure the necessary liability coverage for the airport. Commissioner Lister

stated that she felt the city had taken great strides in securing adequate insurance coverage for the city properties and at a savings to its citizens.

Commissioner McCrea commented that he was most pleased to see the number of persons coming forward as candidates for the City Commission. This was to him a showing that people are becoming interested in their city government. Commissioner McCrea stated that two years ago there were more candidates for school board positions than there were City Commission positions, but today this trend has reversed. He also requested that those persons wishing to know more information on city government, if they do not wish to obtain the facts for themselves from city hall, that they contact a person whom they trust and respect to obtain the answers to their questions. He suggested such persons as bankers, ministers or others. If the persons asked do not have the information available, we request that they call city hall to obtain factual information. Commissioner McCrea further commented that he felt the majority of the people who signed the petition calling for abandonment of the commission-manager form of government were opposed to the downtown improvements, which are presently in progress. Commissioner McCrea stated that this project began its origin in the late 1970's with a letter through the Chamber of Commerce to its members requesting that something be done in the downtown area to enhance its appearance and make it more accessible. As a result of this letter, the City Commission was contacted and asked to consider such improvements. Only through a series of four main public hearings was the decision made to initiate the downtown improvements. There were public hearings in addition to the four major public hearings, which were widely advertised. Proceeding with the improvements through the City Commission was actually a cheaper way to complete the project as it will be much cheaper for the city to do the project and sell bonds, as opposed to each individual property owner undertaking such an improvement on his own. Again, Commissioner McCrea encouraged any individual wishing any information concerning this and other subjects to contact a person in whom they have confidence or contact the city hall or city attorney for legal questions and the answers will be forthcoming.

Mayor Snyder stated that he thought it was very important that the citizens of Ottawa know the facts concerning the city's securing Dept. of Housing and Urban Development monies for improvements within the city since 1975. With the HUD monies, the city has been able to make improvements in low-income neighborhoods including housing rehabilitation and resurfacing many streets which enhanced the quality of life not only in those areas but in the entire city. Mayor Snyder further stated that the Skunk Run storm drainage project is currently the big project for which HUD monies are being used, but over the past ten years the city has received approximately \$8,000,000 in grants from various state and federal agencies. The city was successful in receiving these grants through the expertise of the professional staff employed by the city. The activities at city hall in the past ten years have greatly increased, bringing a better quality of life to the citizens of Ottawa.

Commissioner Marstall then stated that he would like to speak on the employment within the community relative to successful bidders on contracts that the city has let in recent months. Mr. Marstall said that he was very pleased with the City Commission's policy of encouraging successful bidders on contracts let by the City of Ottawa and the city manager's negotiations with these contractors to hire local persons for work to be accomplished within the city. This practice has created local jobs for local people and has helped to stabilize the employment base within the city.

Commissioner Lister stated that she thought it was important to comment on the city's investment policy at this time. She stated that in the past five years the city had received more than \$3.5 million from the investment of city monies in the various local financial institutions. At the same time, the General Fund budget of the city is running slightly

in excess of \$2 million and the monies earned from the city's investments have assisted in underwriting the General Fund budget as well as other fund budgets of the city. It is only through the city staff constantly working for the citizens to get the most mileage out of each city dollar that these interest monies have been received.

Mayor Snyder then stated how fortunate we are that we have the City of Ottawa Department of Public Safety. He reported that many of the conferences attended by the City Commissioners it is noticed that cities are looking for ways to economize and save money in serving the public. The City of Ottawa Department of Public Safety is studied by many cities as a model in economizing in police and fire protection. We sometimes fail to realize how fortunate we are that every fireman is also a policeman and every policeman is a fireman. Often times a policeman will report to the scene of a fire and have it extinguished before the truck arrives because he has fire fighting equipment in the trunk of his car and is trained in its use. The dual training of these people makes the Department of Public Safety one of very highly trained, skilled people. Commissioner McCrea then spoke to the economies realized by having the police and fire departments housed within the same building. Where many communities are looking at this type of program, the City of Ottawa already has put this program in place. Commissioner Marstall then spoke to the effect that few of the citizens realize that each patrolman has an assigned district within the City of Ottawa and if a fire should be reported, a patrolman is within a few blocks of any location and responding immediately to the call. When the patrolman within the district responds to the call, a patrolman in an adjoining district automatically knows that he must cover both districts until the patrolman responding to the fire call has returned to patrol duties. Again, Mr. Marstall spoke that often times a patrolman with the fire fighting equipment in his car may have a fire extinguished before a fire truck arrives at the fire scene.

Mayor Snyder commented at the end of the Commissioners' comments, how important it was for the citizens of Ottawa to know more about their local government. Again, Mayor Snyder emphasized that anyone wishing to know anything about their local government should find the answers from persons they know and trust or feel free to call city hall where persons will be most responsive to requests for information.

There being no additional comments or business to be conducted by the City Commission, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - February 2, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners Lister, Larson, McCrea and Marstall. Absent: None.

Mayor Snyder opened the meeting, stating that before they proceeded into the agenda for the meeting, he thought it would be appropriate to discuss the recent snowfall in the city and the efforts put forth by the Public Works Department to remove the snow from the city streets. Mayor Snyder then stated that he was very pleased with the progress that the Public Works crews had made in removing snow from the downtown area, stating that the snow from Ottawa's Main Street in the Central Business District was completely removed early this morning and presently the city crews are working on the side streets leading into the Central Business District, removing snow from those streets. Mayor Snyder stated that he had complimented the Public Works Director on his crews and the removal of the snow when he arrived at City Hall this morning prior to this meeting. Mayor Snyder said that he was aware that the city had received several calls concerning the city maintainers moving snow back into driveways following the driveways being cleaned, and that though the city was sympathetic with this problem, he did not feel that this procedure could be helped in that the city has a primary mission of opening the streets in the city. Mayor Snyder further stated that many cities within the state do not remove snow from residential streets at all, and he felt that the people of Ottawa were fortunate that the city crews were removing snow from residential streets. Mayor Snyder said that he was aware that it had been reported, and that there is an ordinance on the books of the city that a person can be cited for littering for throwing snow from their driveways into the city streets, but at this point in time the city is merely asking for the cooperation of the property owners in asking them to refrain from throwing snow back into the street after the city maintainer has cleared the street. Mayor Snyder then called on the city manager to comment on this situation.

The city manager stated that several calls had been received from persons unhappy with having the snow moved back into their driveways after the driveways had been cleared, but that this really cannot be helped in that the city has approximately seventy miles of streets to be cleared of snow and there is not enough time, equipment or labor to clean out each individual driveway. Again, the city manager asked for cooperation from its citizens in not throwing the snow into the city streets from their driveways.

Mayor Snyder then stated that the city does have a snow ordinance which would prohibit the parking on some eighteen streets in the City of Ottawa so that the city maintainers can remove the snow from these streets. However, the snow ordinance will not be put into effect at this time as those streets are not properly posted. Mayor Snyder then proceeded to list the eighteen streets that are involved. It was further stated by the Mayor that if there were much additional snow, there are an additional nine streets as well as the city parking lots in which parking would be prohibited until such time as the snow could be removed.

Mayor Snyder then asked for comments from guests concerning the snow and the snow removal. Mr. Luther Umphenour, 1608 Orchard Drive, stated that he operated a business in the south Main business area between Fifteenth and Seventeenth Streets and that he was not totally happy with the snow removal program on the south end of town. Mr. Umphenour stated that on the south end of town, when the streets are cleared, the snow is moved into the driveways of the various businesses and they suffer a loss of business as a result of this procedure. Mr. Umphenour stated that in the downtown area, the snow is moved to the center of the street and then hauled off. He felt that the south business district should receive the same type of treatment. Mr. Umphenour stated that he had lived in the City of Ottawa for thirty years and this was the way the snow has been removed from the south business district all this time. In discussions by the City Commission, it was also discussed

that the north Main business district from Wilson to the north city limits should be considered for snow removal as well as the south business district. It was also discussed that in the south business district the snow could be removed and hauled to Kanza Park or be hauled to the small state park just south of Seventeenth and Main. It was decided that the City Commission would consider this subject along with the Director of Public Works at their next study session. In the meantime, the city manager is to contact the Director of Public and get the snow removed from Main Street in the south business district and in the north business district.

Approval of Minutes

The minutes of the regular meeting held January 5, 1983, were approved as written, and the minutes of the last regular meeting held January 19, 1983, were approved as written.

Report of Planning Commission Meeting

The city manager reported that there would not be a report of the Planning Commission meeting at this time as the meeting which was scheduled for February 1, 1983, was cancelled because of snow and would be held this evening. The report of that meeting will be presented to the City Commission at their next regular meeting on February 16, 1983.

Review of the City Investment Schedule for January 1983

Commissioner Marstall noted that the city presently has \$6,135,000 invested in short term investments, which is an increase from December, 1982. The average interest rate is 8.21 percent. Commissioner Marstall made a motion that the City Investment Schedule for January 1983 be approved. The motion was seconded by Commissioner Lister. All present voted in favor of the motion.

Request of the Amateur Radio Association

Commissioner McCrea made a motion that a request of the Ottawa Amateur Radio Association and the Chippewa Amateur Radio Club for the use of Forest Park for a practice exercise in establishing emergency communications on June 18 and 19, 1983, be approved. The motion was seconded by Commissioner Larson. It was noted that the amateur radio operators in the vicinity of Ottawa and Garnett each year take part in a national exercise known as "Field Day" which involves setting up emergency amateur stations in temporary locations and using them to contact like stations in other parts of the United States and Canada. The purpose of the operation is to gain experience in such types of communications which would be invaluable to the city if we were to experience a catastrophe such as a tornado, flood, or blizzard. The request stated that the amateur radio clubs would need to string antennas among the trees and a gas-powered generator would be moved in for this operation. They requested the use of one of the west shelter houses in Forest Park and that a camper would probably be brought in for occasional catnaps as this will be a 24-hour operation. Upon call for the question, all present voted in favor of the motion.

Proclamation - Vocational Education Week

Dr. Norman Park, director of the East Central Vocational Cooperative, appeared before the City Commission requesting that a proclamation be issued proclaiming the week of February 6-12, 1983, as "Vocational Education Week." Dr. Park stated that he felt the City of Ottawa was most fortunate in having the East Central Vocational Cooperative located in its city and the cooperative assists many young people in learning about the various trades in which they might like to become involved. Commissioner Lister made a motion that the Mayor be authorized to sign a proclamation proclaiming the week of February 6-12, 1983, as "Vocational Education Week" in the City of Ottawa. The motion was seconded by Commissioner Larson. All present voted in favor of the motion.

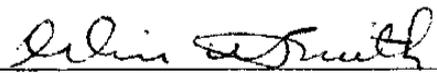
Request of=Mr. Lee Gruver - Oil Lease

Mr. Lee Gruver, representing the Jetty Oil Corporation, appeared before the City Commission requesting consideration of an oil lease on the east 160 acres of the airport property. Mr. Gruver stated that the area had been explored by geologists of the Jetty Oil Corp. and the east 160 acres of the airport property was felt to be a prime area for locating oil. Mr. Gruver did explain, however, that his company has no interest in gas whatsoever in that there is no market in this area for gas and if gas were discovered, the well would either be capped or given to the City of Ottawa. Mr. Gruver further stated that the surface crops would only slightly disturbed as it takes very little space to operate a drilling rig. If oil were found, the only surface area required would be for a pump to pump the oil from the area. The City Commission expressed a concern that the east 160 acres of the airport is presently leased to the Kansas State University for crop experimentation and they did not want to disturb the crops nor encroach on the lease with that university. The City Commission further requested that should a lease become a reality the drilling be done in grass areas as opposed to crop areas. Mr. Gruver stated that he would have to confer with his geologists to see what would be possible in this area. The City Commission expressed a concern that before entering into a lease for oil production or drilling on this tract, other producers also be considered for such a lease. At the request of the City Commission, Mr. Gruver agreed to leave a copy of the Kansas standard lease form with the City Commission so it could be studied and considered. Upon questioning by the City Commission, Mr. Gruver indicated that if oil were found production could possibly be commenced with one year. The City Commission took the request under advisement to be discussed and considered at a later date.

City Utility Assistance Fund

Mayor Snyder requested the city manager comment on the activity to date on the city's Citizens Utility Assistance Fund. The city manager reported that to date the city had received 31 applications for assistance on their utility bills. For a person to qualify for such assistance, that person must be receiving SSI supplemental income and the utilities for which they request assistance must be in the name of the applicant and the applicant owe no delinquent bills and have no history of skipping. If the applicant meets these criteria, then the city's Citizen's Utility Assistance Fund will pay fifty percent of the electric utility bill. Mayor Snyder then mentioned that persons wishing to donate to the Energy Coalition Fund may make their checks payable to the ECKAN Energy Coalition Fund and then such donations would be deductible for income tax purposes.

There being no further business, the meeting was adjourned. The entire text of this meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - February 16, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners McCrea, Larson, Lister and Marstall. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held February 2, 1983, were approved as written.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. on February 2, 1983. Present: Chairman Koch and Members Spears, Underwood, Jackson, Thornburg, Wellington. Absent: Member Searls.

The minutes of the last regular meeting held on January 4, 1983, were approved as written.

The Planning Commission reviewed the preliminary plat of the Ottawa Retirement Village Inc. Planned Unit Development proposed for west Fifteenth Street. Mr. Tom Keller, manager of Cedar House Nursing Home, and Vince Skidmore, architect for the developers, were both in attendance to answer questions from the Planning Commissioners. The Planning Commission voted 6-0 to recommend to the City Commission the approval of the preliminary plan contingent on the developer and the city engineer jointly arriving at the location of the sanitary sewer line and storm drainage plan to handle drainage of the proposed development.

The Planning Commission heard a request from Mr. Tony Kolody of Rentmasters, Inc. located on west Twenty-third Street to allow taxi dispatching from his commercial building which is located in the C-S (Highway Service) district. The Planning Commission decided by a 4-2 vote to hold a public hearing in March to consider adding a taxi service station to the allowable uses contained in the C-S (Highway Service) district.

The Planning Commission decided to hold public hearings in March to consider legislation disallowing windmills used for electric generating purposes in the city limits and to develop regulations governing the construction of earth covered shelter homes.

There being no further business, the meeting was adjourned.

At the conclusion of the report of the Planning Commission meeting, the City Commission questioned how many C-S (Highway Service) districts there were in the city. It was pointed out that there are two such districts, both being on the south boundary of the city. The City Commission then directed that the report of the Planning Commission meeting be entered into the official record of the city.

Request of the Wal-Mart Discount Store

The City Commission received a request from the Wal-Mart store located on south U.S. Highway 59 in the city to erect a temporary building for the purpose of displaying potted shrubs and bedding plants. It was stated in the request that the temporary quonset hut type building would be in place for the period from February 14, 1983 to July 1, 1983. It was pointed out by the City Commission that a similar building was erected by the Wal-Mart store last year for the same purpose and no problems arose from the erection or use thereof. It was further discussed that possibly an arrangement could be made with Wal-Mart whereby the building could be erected and used each year without the necessity of appearing before the City Commission to make such a request. Commissioner Marstall made a motion that the request of the Wal-Mart store be granted to erect a temporary building for the display of potted shrubs and bedding plants from February 14, 1983 to July 1, 1983. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Request of the Ottawa Retail Association

Mr. Larry Powell, Executive Director of the Greater Ottawa Chamber of Commerce, presented a request on behalf of the Ottawa Retail Association for permission to use the sidewalks in the Central Business District for a sale on Saturday, February 26, 1983. Mr. Powell stated that they were not requesting the streets be blocked for this event, and the hours of the sale would be from 9:00 a.m. to 5:00 p.m. on the requested date. Commissioner Lister made a motion that the Ottawa Retail Association be granted permission to use the sidewalks in the Central Business District for a sale on February 26, 1983, between the hours of 9:00 a.m. and 5:00 p.m. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Report of Opinion Poll

Mr. Larry Powell, Executive Director of the Greater Ottawa Chamber of Commerce, reported that the Chamber had conducted an opinion poll concerning whether the City of Ottawa should change forms of government from the commission-manager form to the mayor-commission form. The poll was conducted among the membership of the chamber with a possible response numbering 366 persons. Of the 366 persons, 326 had answered the poll with 297 indicating they were not in favor of changing the form of government in the City of Ottawa, 6 indicated that they did want to change to the mayor-commission form, and the balance of those returned had no opinion on the subject. Mr. Powell stated that this was a 90 percent return on the opinion questionnaires that had been sent out, and probably the best ever in the history of the Ottawa Chamber of Commerce. Mr. Powell further stated that he felt it was quite obvious that the majority of people wish to retain the commission-manager form of government in the City of Ottawa.

Award Contract No. 7 - Electric System Improvements

Mayor Snyder announced that bids were received for Contract No. 7 - Electric System Improvements, consisting of painting, on February 10, 1983, and that Don Carter Industrial Coatings, Inc. of Chaney, KS, entered the low bid of \$14,500.00. Mayor Snyder then asked for the city manager to comment on the subject.

Mr. Watkins paraphrased a letter from A. C. Kirkwood & Associates, the project engineers, stating that A. C. Kirkwood & Associates had contacted various references which had been given by Mr. Paul Moses, President of Don Carter Industrial Coatings, Inc. The references all stated that the work done by said firm was of an acceptable quality and they would not hesitate to award future contracts to the company. The references consisted of Derby Refinery, Mobil Refinery and the City of Wichita, Kansas. The letter from A. C. Kirkwood & Associates also stated that it is expected that the painting contract would be completed by June 1, 1983. The consulting engineers recommended awarding the painting contract to Don Carter Industrial Coatings, Inc. for a bid price of \$14,500.00. It was pointed out in further discussion that the said bid was \$10,000 below the next lowest bid, and the highest bid for the painting was \$32,000. The engineers estimate of the project was \$30,000.

Commissioner McCrea made a motion that Contract No. 7 - Electric System Improvements, consisting of painting, be awarded to the Don Carter Industrial Coatings, Inc. for a bid price of \$14,500. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Discussion of the Proposed Skunk Run Box Culvert at Seventh Street and the Santa Fe Railroad

Mayor Snyder announced that the City Governing Body had met with the consulting engineers, Cook, Flatt & Strobel, at the Monday afternoon study session, and the engineers had reported that their discussions with the Santa Fe Railroad concerning train traffic over Seventh Street during the replacement of a box culvert under Seventh Street and the railroad track. The engineers reported that the Santa Fe Railroad would agree to divert traffic around this particular spur for a period for a period of 48 hours. Further, the 48 hour time span to which Santa Fe had agreed would not allow time to form and pour a box culvert in this

location, and the engineers recommended that a pre-cast box culvert be purchased and slid under the railroad track in order to accomplish the task in the 48 hours allocated by the Santa Fe. It was further explained that the purchase of the pre-fabricated box culvert and the method of installation would probably double the originally estimated cost of replacement of the box culvert. The City Commission indicated that they were not really surprised at the conditions set forth by the Santa Fe Railroad for the replacement of the box culvert as they understood Santa Fe's situation. In order for Santa Fe to reach the south end of Ottawa from the north, trains would have to be routed through Topeka and to Emporia and back through Garnett. As expressed by Mayor Snyder, the alternatives at this point seem to be either not replacing the box culvert at this time or installing the pre-fabricated box culvert as recommended by the engineers. It was the consensus of the City Commission that the box culvert should be replaced at this time as delay of the project would increase the ultimate project cost and with the rebuilding and renovation of the Skunk Run drainage canal, the box culvert is not of sufficient size to handle the stormwater drainage that will be channeled through it. Mayor Snyder stated that a preconstruction conference for the Seventh Street improvement is scheduled for this afternoon and the City Commission might wish to authorize the city manager to discuss the possibility of the contractor for the Seventh Street project undertaking the installation of the pre-fabricated box culvert through this intersection. It was also discussed that at this point it was unclear whether the City of Ottawa had a written commitment from the Santa Fe Railroad for the closure of this intersection for a period of 48 hours, and if the written commitment had not been received, such should be in place prior to the project undertaking or even entering into a contract for the project. Further, it was discussed that the city manager should be authorized to speak with the Department of Housing and Urban Development for a possible release of Community Development Block Grant funds to assist in the finance of the project.

Commissioner Marstall requested that the possibility of removing the railroad track and dropping the culvert in from the top as opposed to sliding the culvert in from the side, be explored. The city manager stated that the present box culvert under this intersection is capable of handling 350 cubic feet of water per second and the renovated Skunk Run channel will be capable of handling 665 cubic feet of water per second, which indicates that if the box culvert is not replaced, a real flooding problem could occur in the area above the box culvert.

Commissioner Marstall made a motion that the engineers be authorized to proceed with the plans and specifications for inserting a pre-fabricated box culvert under the intersection of Seventh Street and the Santa Fe Railroad tracks, that the city manager be authorized to discuss the possibility of the contractor doing the Seventh Street improvement also doing the culvert installation, and that he be authorized to discuss with the Department of Housing and Urban Development the possible release of Community Development Block Grant funds to assist in payment for this improvement. The motion was seconded by Commissioner Larson. Commissioner McCrea expressed a concern for negotiating a contract as opposed to allowing all contractors to bid on this matter. Commissioner McCrea stated he fully realized the economies that might be realized in negotiating with the Seventh Street contractor inasmuch as that contractor will already have heavy equipment on the site. However, he thought that in all fairness to the city the contract should be let for bid.

The city manager was asked if our own engineering staff concurred with the findings and determination of the engineering firm of Cook, Flatt & Strobel. The city manager replied that the city engineer was aware of the recommendation made by Cook, Flatt & Strobel, but he had not had an opportunity to discuss it with the city engineer. On call for the question, all present voted in favor of the motion.

Consideration of an Oil and Gas Lease

Mayor Snyder stated that in giving consideration to leasing the 160 acres of airport property to the Jetty Oil Co. for gas and oil exploration purposes, he was concerned over the price offered in the proposed lease, the length of the lease and the advisability of entering into a lease with the Jetty Oil Co. without seeking other bids.

Commissioner Marstall stated that he thought the Governing Body should give consideration to the Kansas State University, which presently operates an experimental farm on this tract of land. The experimental station is valuable both to Kansas State University and to the area immediately surrounding it. Commissioner Marstall suggested that possibly Kansas State University should be contacted and the matter discussed prior to entering into such a lease.

Commissioner McCrea stated that he wanted to study the matter further and made a motion that the item be tabled. The motion was seconded by Commissioner Larson. Commissioner Marstall then stated that he thought possibly the motion should be amended to specify a specific date at which the matter would again be considered in order to be fair to the Jetty Oil Co. and the City of Ottawa. It was suggested that the motion be amended to indicate that the matter would be further considered on March 2, 1983. Commissioner McCrea stated that he would amend his motion that the item would be tabled until March 2, 1983. Commissioner Larson then seconded the motion as amended. Mr. Lee Gruver, a representative of the Jetty Oil Co., then stated that he felt Kansas State University was protected by law and the price stated in the lease was a fair price he felt to the City of Ottawa. Further, Mr. Gruver stated that the matter had been publicly discussed some two weeks ago and seemingly no one had come forward wanting to be considered for an oil lease on the property.

Commissioner Marstall said that he felt the lease contained the standard one-eighth royalty to the owner for the production of oil and gas, which Mr. Gruver indicated was correct. On call for the question, all present voted in favor of the motion.

Announcements

Mayor Snyder announced that the City Governing Body would be at Lincoln School at 7:00 p.m. this evening to discuss with interested parties the function of city government and to answer any questions raised. He said that present at this meeting would be himself, Commissioner Marstall and Commissioner McCrea. He advised that Commissioner Larson had a speaking engagement at that time and Commissioner Lister would be out of town. Further, he announced that the City Governing Body would be at the Ottawa Middle School on February 23, 1983, for a similar discussion and all members of the Governing Body would be present at the Middle School.

The City Commission then discussed that possibly in the future the City Governing Body should maintain a better line of communication with the various boards and commissions of the city, naming the Library Board, the Board of Plumber Examiners, the Board of Electrical Examiners, the Board of Contractor Examiners, the Planning Commission and the Auditorium Authority.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - March 2, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners McCrea, Marstall, Lister and Larson. Absent: None.

Approval of Minutes

The minutes for the last regular meeting held February 16, 1983, were corrected to reflect that the words "for a period" appeared two times on page 12, the third line from the bottom of the page. The balance of the minutes were approved as written.

Report of Planning Commission Meeting

The following is a report of the Planning Commission meeting of March 1, 1983.

Members in attendance: Chairman Koch, Searls, Thornburg, Underwood, Wellington, Spears and Jackson. Members absent: None.

The minutes of the last regular meeting held on February 2, 1983, were approved as written.

The Planning Commission held a public meeting to consider amending the Zoning Ordinance to allow taxi dispatching as an allowable use in the C-S (Highway Service District). In accordance with Planning Commission bylaws, this matter was taken under advisement.

The Planning Commission held a public hearing to consider amendments to the Zoning Ordinance dealing with windmills and underground houses. In accordance with Planning Commission bylaws, this matter was taken under advisement.

There being no further business, the meeting was adjourned.

At the conclusion of the reading of the written report, the mayor requested the city manager expand on the written report. The city manager stated that there were several persons in attendance to comment on allowing taxi dispatching from the C-S (Highway Service) district, some persons being for and some persons being against the proposed amendment. He said there is a feeling that a taxi dispatching service would be more appropriate in the downtown area than in outlying areas. The city manager further commented that the amendment is to allow dispatching only from the C-S (Highway Service) district, and not for storage and parking of taxicabs. The city manager stated that there was no one present to comment on the windmill question. On the subject of underground housing, there was one person in attendance to comment on the subject, Mr. E. V. Skidmore, architect. Mr. Skidmore suggested that to require a structural engineer to approve the design of an underground house would be very costly and he suggested that the structural engineer be required to examine and approve the structural design of that portion of the house that would be underground and not the total design of the house. Mr. Skidmore further stated that he thought the definition of a "house" should be changed in that the way the present definition is written, a house with a walk-in entrance to the basement might be considered an underground house. The city manager then stated that both issues will be considered again at the April meeting of the Planning Commission.

Commissioner McCrea suggested that the minutes of the Planning Commission meetings be sent to the City Commissioners as he felt this would give them a more in-depth feeling for the discussions of the Planning Commission. The mayor then directed that the minutes of the Planning Commission meetings be sent to the City Commissioners in the future.

Review of Investment Schedule

Commissioner Lister made a motion that the Investment Schedule existing as of February 28, 1983, be approved. The motion was seconded by Commissioner Larson. Commissioner Larson commented that of the \$6,135,000 invested by the city at an average interest rate of 8.2% it ranges from over 10% to a low of 7.80%. It was then remarked by Mayor Snyder that the one investment of over 10% matured yesterday. On call for the question, all present voted in favor of the motion.

Consideration of a Proposed Oil Lease for Airport Property

In continuing consideration and discussion of the proposed lease of the Kansas State University research field for oil exploration purposes to the Jetty Oil Co., the mayor called on Mr. Keith Janssen the agronomist in charge of the research field to comment on the subject.

Mr. Janssen registered a concern for possible damage to either crops or soil inasmuch as there is very little of the land at the research field that is not used for growing crops. Mr. Janssen also said that the Kansas State University has various agreements with seed, fertilizer and chemical companies for long term studies with the crops and the chemicals. For that reason, Mr. Janssen was hesitant to support an oil lease for this location.

Commissioner Lister asked if Mr. Janssen might have a map of the area showing the various locations of the experimental sites. Mr. Janssen said that he did not have a map but of the 160 acres, there are only 20 or 25 acres not used for research or seed growing. However, he did offer to make the information available to the City Commission approximately every two years.

Mayor Snyder asked Mr. Janssen how many such research fields the Kansas State University has. Mr. Janssen answered that the university presently has nine research fields in various parts of the state, along with three experimental stations. Mr. Janssen went on to comment that the research done at this particular field is of great interest to the area farmers in that each year they have a field day where they exhibit the crops involved in the various experiments to area farmers, and assist the area farmers in planning their growing seasons. Mr. Janssen commented that this had been going on since 1952.

Commissioner McCrea asked Mr. Lee Gruver, a representative of the Jetty Oil Company, what quantity of oil might be expected if oil wells were allowed to be drilled on this property. Mr. Gruver stated that he could not determine what quantity would be derived from the area, but it must show a profit for it to be utilized. Mr. Gruver did state that he thought his company could work with Kansas State University.

Commissioner Marstall made a motion that the city enter into an agreement with the Jetty Oil Company for oil exploration on the 160 acre research field occupied by Kansas State University. Mr. Marstall's motion died for lack of a second.

Commissioner Larson made a motion that the City Commission reject the proposed lease of the research field to the Jetty Oil Company for oil exploration purposes. The motion was seconded by Commissioner McCrea. Commissioner Larson then stated that he was worried about destruction of property, either through accident or other reasons, stating that many years are invested by Kansas State University in the research field and he would not like to see the results jeopardized. Commissioner Marstall stated that he had talked with Mr. Bob Bozworth, Franklin County Agricultural Agent, and his concerns for oil exploration on this property were the same as those that had been voiced by Mr. Janssen. Commissioner McCrea stated that he would hate to see the soil disturbed and interrupt the progress of the experiments now in progress. Commissioner Lister commented that she did not feel that the oil lease was a strong one and, therefore, she would have to vote in favor of rejecting the proposed lease. Upon call for the question, all present voted in favor of the motion.

Resolution No. 358 - Authorizing Agreement with AT&SF Railroad

Commissioner Marstall made a motion that a resolution authorizing the mayor to sign an agreement with the Atchison, Topeka & Santa Fe Railroad for the construction of the U. S. 59 railroad overpass be approved. The motion was seconded by Commissioner Lister. Mayor Snyder then directed that the resolution be read into the record as follows:

"BE IT RESOLVED By the Board of Commissioners of the City of Ottawa, that the Mayor be and he is hereby authorized and directed to enter into, execute and deliver in the name and behalf of the City of Ottawa, an easement in writing with The Atchison Topeka and Santa Fe Railway Company in that form of easement now on file with City Clerk of said City whereby, upon the terms, covenants and conditions in said easement set forth, said Railway Company conveys and grants the right to said City to construct, maintain and use certain improvements, as set forth in said easement, upon and across said Railway Company's property and upon the execution and delivery of said easement, the said City, in all things shall be bound and obligated by all the covenants and provisions of said easement.

Passed by said Board of Commissioners this 2nd day of March, 1983."

Mayor Snyder then asked if the city attorney had examined the resolution. It was announced that the city attorney had examined and approved the resolution. Mayor Snyder reported that a preconstruction conference on the replacement of the U. S. Highway 59 bridge over the Santa Fe will take place at City Hall next week. It is hoped that work will start in late March, requiring about eighteen months to complete the project. The city and county portion of the detour is complete; however, the Kansas Department of Transportation is to apply an additional overlay over Davis Road and Sand Creek Road prior to the beginning of the project.

Commissioner Marstall commented that Kenneth Edwards had voiced a concern for lights at the intersection of Davis Road and K-68, and Mr. Marstall stated that possibly the city could give consideration to a caution light at that intersection. Upon call for the question, all present voted in favor of the motion.

Preliminary Plat of the Ottawa Retirement Village

The Governing Body proceeded to consider the preliminary plat of the Ottawa Retirement Village. The Ottawa Retirement Village is to be located adjacent to and just west of the Mission Woods Addition to the city. City Manager, David Watkins, pointed out that the preliminary plat shows all drainage, easements and contour boundaries along with storm sewers located on the south side of west Fifteenth Street, an eight inch lateral sewer located on the east boundary of the plat, and a water line on the west side of the property. The city manager pointed out that if the Governing Body approves the preliminary plat at this time, the final plat and the annexation ordinance would probably be presented to the Governing Body at the second meeting in April.

Mayor Snyder questioned as to whether the area was accessible to fire trucks and the city manager answered that the area did provide the necessary accesses and that the final plat will be submitted to the Department of Public Safety prior to its coming to the City Commission for approval.

Commissioner McCrea questioned the need for adequate "no-parking" signs in those areas that might restrict the accessibility to fire trucks.

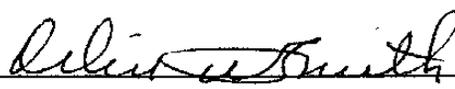
Commissioner Larson made a motion that the preliminary plat of the Ottawa Retirement Village be approved as presented. The motion was seconded by Commissioner McCrea.

Commissioner Lister then suggested that the plat be approved subject to final approval. The maker of the motion, Commissioner Larson, approved the change in his motion, whereby Commissioner McCrea, who seconded the motion, approved the change. Thus the motion as changed read: that the preliminary plat of the Ottawa Retirement Village be approved as presented subject to final approval. Upon call for the question, all present voted in favor of the motion.

Request of the Ottawa Community Arts Council

A letter was read whereby the Ottawa Community Arts Council requested it be allowed to hold its sixth annual Skunk Run Arts Fair on June 5, 1983, from 10:00 a.m. to 5:00 p.m. in conjunction with the Ottawa Library's Skunk Run Book Sale. Commissioner McCrea made a motion that the request of the Ottawa Community Arts Council be granted. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of the meeting is on file in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - March 16, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners Larson, McCrea, Marstall and Lister. Absent: none.

Approval of Minutes

The minutes of the last regular meeting held March 2, 1983, were considered for approval. Mayor Snyder pointed out that he did not recall the conversation as stated in Paragraph 4 on Page 16 of those minutes, and directed that the city clerk research into the tape of that meeting and correct the minutes if that particular paragraph was in error. The research into the tape indicated that Paragraph 4 on Page 16 should be corrected as follows: Mr. Janssen provided the City Commission with a map of the 160 acre research field, which indicated the locations of the various crops being grown on an experimental basis. Mr. Janssen further stated that such a map is made available every two years and he would provide the City Commission with a new map as they become available. The statement that Mrs. Lister asked Mr. Janssen for a map as appeared in the original minutes was incorrect. The balance of the minutes was approved as written.

Request of the Franklin County Historical Society

Mrs. Grace Hoobing, President of the Franklin County Historical Society, appeared before the City Commission requesting permission for the Franklin County Historical Society to hold a silent auction and white elephant sale in City Park on June 5, 1983, in conjunction with the Skunk Run Book Sale and the Ottawa Community Arts Council. Mrs. Hoobing said that the society members have discussed their money raising project with the Ottawa Library and the Ottawa Community Arts Council, and these organizations have given their approval to be joined in City Park on said day. Mrs. Hoobing requested a location south and east of the Centennial Cabin.

Commissioner Larson made a motion that the Franklin County Historical Society be permitted to hold a silent auction and white elephant sale in City Park on June 5, 1983, in the location specified by in its request. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Consideration of an Agricultural Lease

Commissioner McCrea made a motion that an agricultural lease with Mr. Earl Benjamin for the south forty acres adjacent to Highland Cemetery be approved. The motion was seconded by Commissioner Marstall. The lease sets forth that the term will begin March 1, 1983, and extend until March 1, 1984. The lease provides for an extension from year to year; however, either party may terminate the lease with three months prior written notice. Commissioner Marstall suggested that the city should terminate the lease as of March 1, 1984, as the city might wish to advertise and take bids for the farming of this ground. Upon call for the question, all present voted in favor of the motion.

Lease for Operation of the Swimming Pool

Commissioner Lister made a motion that an agreement for the operation and maintenance of the Forest Park Swimming Pool between the City of Ottawa and the Ottawa Recreation Commission during the 1983 season be approved. The motion was seconded by Commissioner Larson. During discussion, it was pointed out that fees for swimming in the pool will be revised for the 1983 season. Season tickets will no longer be available but in their place coupon books can be bought for pool admission. The coupons will be sold at a discounted price. Upon call for the question, all present voted in favor of the motion.

It was announced at this time that the operation and maintenance agreement for the softball and baseball facilities is not complete and will not be considered at this time as stated on the agenda.

Enforcement of Parking Regulations

Commissioner Marstall opened the discussion by stating that he had been informed by a downtown businessperson that one of the new car dealers was using a city owned parking lot to park an inventory of new cars. Commissioner Marstall stated that this is an infraction of the laws governing the use of city owned parking lots, and he thought the dealer should be notified not to use them for this purpose. It was further discussed that some of the city owned parking lots are being used to store vehicles while they are being repaired. This is also an infraction of the rules governing the use of these parking lots. It was agreed that measures should be taken to discourage such use.

With regard to truck parking, it was brought out that trucks can be legally parked on the west side of Walnut Street between Second and Third and in the city owned parking lot on North Hickory Street south of the river dike. The Governing Body gave consideration to the fact that there may be a need for additional truck parking, and possibly a truck parking area could be established at K-68 and Main Street. It was also mentioned that trucks are currently being parked at 23rd and 59 Highway.

Resolution No. 359 - Authorizing Issuance of Temporary Notes

Mayor Snyder announced that the city is in the process of securing temporary financing for the city's share of the construction of 7th Street, and the city has been successful in securing the temporary financing in the amount of \$325,000 at an attractive interest rate.

Commissioner McCrea made a motion that a resolution authorizing and directing the issuance of temporary notes, Series A 1983 of the City of Ottawa, Kansas, in the principal amount of \$325,000 for the purpose of providing funds to pay the cost of certain main trafficway improvements be passed. The bids for the placement of the temporary notes were: \$100,000 at an interest rate of 7-3/4%, and \$225,000 at an interest rate of 8%. Upon call for the question, all present voted in favor of the motion.

Landscape Plan for Kanza Park

Mayor Snyder opened the discussion by stating that Commissioner Lister had been working with an ad hoc committee on a landscape plan for Kanza Park and called on Commissioner Lister to comment on this subject.

Mrs. Lister stated that she had been working with the ad hoc committee for the landscaping of Kanza Park, and they were working with a landscape plan which had been drawn by the engineering consulting firm of Bucher & Willis a few years ago. In addition, the ad hoc committee, consisting of Mrs. Biz Williamson, Mr. Elliott Barnes (representing the garden clubs), Mr. Budge Reusch (representing the Kiwanis), and Mr. John Pinney (formerly of Willis Nursery), had been working with Mr. Keith Payne, the landscape architect from Bucher & Willis who had drawn the original plan. The ad hoc committee recommends acceptance of the plan by the city Governing Body and Mrs. Williamson has expressed a desire to plant some trees in memory of her deceased husband, who was a former mayor of the City of Ottawa. Mrs. Williamson would like to place two Scotch pines and a flowering crab in the southeast corner of the park, two Scotch pines and an ornamental next to a wooded area within the park, and two Scotch pines directly behind the Pence/Alco retail outlet. The trees to be planted by Mrs. Williamson will be approximately 2-1/2" in diameter and 4-5' in height. If Mrs. Williamson has sufficient funds, she would like to make additional plantings in the park.

Commissioner Larson made a motion that the City Commission approve the landscape plan for Kanza Park as submitted by the ad hoc committee and wished to thank the committee for their work in this area. The motion was seconded by Commissioner McCrea.

Commissioner McCrea then stated that he would like to invite other organizations and persons who wished to make plantings in the park to contact the committee and coordinate their efforts through this group. Upon call for the question, all present voted in favor of the motion.

Request Use of Forest Park for Easter Egg Hunt

Mr. Paul VanArsdale, representing Radio Station KOFO, requested permission to use Forest Park on April 2, 1983, from 8:00 a.m. to 11:00 a.m. for an Easter egg hunt. The area to be used would be west of the park drive. Commissioner Lister made a motion that Radio Station KOFO be granted permission to use Forest Park on April 2, 1983, for their Easter egg hunt between the hours of 8:00 a.m. and 11:00 a.m. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Complaint Concerning the Ottawa Taxi Service

Mr. Les Coulter, 633 S. Hickory, registered a complaint against the Ottawa Taxi Service, stating that the taxi service had operated November and through part of December, 1982, without being properly licensed, and that the same was true for January and part of February, 1983. Mr. Coulter quoted from the Ottawa Municipal Code 11-309, whereby taxicab services within the city must be licensed and from 11-310, which states that a violation of the city code concerning the operation of taxi services is a Class D misdemeanor. Mr. Coulter requested that the city call a hearing as set forth in the city ordinance book to determine whether the laws have been violated.

Mrs. Frances Coulter, 823 S. Main, stated that at a point in time she had to walk from her residence at 823 S. Main to 509 W. 3rd because there was no taxi service available. Mrs. Coulter further stated that one snowy day this winter she was picked up by a cab that had no snow tires, chains or brakes, and the car eventually had to be pulled from Patty Hall to Cedar Street. She also asked if a light pole that is in her driveway at 823 S. Main might be moved by the electric department, and wanted to know if she could put in a new sidewalk in front of her home. Mrs. Coulter said that she had been told by someone that she could not put in a new sidewalk because the sidewalk belonged to the city.

Mayor Snyder instructed Mrs. Coulter to speak with the city manager in regards to the sidewalk problem and he would put her in touch with the city engineer.

The subject of the taxi service in Ottawa was taken under advisement.

Complaint Concerning Skunks

Mr. Ken Humm, 740 S. Locust, reported to the City Commission that skunks are posing a problem in his particular area. Mr. Humm stated that he had been awakened in the night several times by the odor of the skunks and the past Thursday night at 3:00 a.m. he had several skunks in his front yard. Mr. Humm stated that skunks are the number one carrier of rabies and he expressed a concern for children. Mr. Humm suggested that the Department of Public Safety put a two or three period of concentrated effort on the skunk problem so the population could be brought under control. He also suggested that the animal control officer work nights as that is when the skunks are out. Several methods of skunk control were discussed. One method would allow the animal control officer to carry a .410 shotgun to shoot the skunks and another that citizens might be allowed to shoot skunks for a short period of time. Mr. Humm asked that the City Commission act quickly on this problem before the skunks are allowed to multiply further. However, the City Commission deferred action on the problem.

Mr. Humm presented the City Commission with a petition containing approximately 200 signatures asking that action on the skunk problem be undertaken quickly.

Request for Permission to Use City Park

Mr. Mike Cruz, 213 W. Fourth, representing ECKAN, asked permission to use City Park from 1:00 to 2:30 p.m. on April 3, 1983, for an Easter egg hunt. Mr. Cruz stated that the Easter egg hunt was an annual activity of ECKAN and it is primarily for underprivileged children.

Commissioner Marstall made a motion that ECKAN be allowed to use City Park from 1:00 to 2:30 p.m. on April 3, 1983, for the purpose of holding an Easter egg hunt. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request for Five Kilometer Twosome Tango

Randy Mijares and Steve Sanderson appeared before the City Commission on behalf of Ottawa University and the Ottawa Recreation Commission requesting permission to hold a five kilometer twosome tango race on April 30, 1983. Mr. Mijares explained that the five kilometer twosome tango was a race for five kilometers in which a male and female partnership form a team for the race. The male and female run separately but their times are combined for scoring purposes. In addition to college and high school students, there will be age categories for all age groups and prizes will be given to the winners. The entry fee for a couple is \$10 and the entry fee for an individual is \$6.00. The race is to begin at Ottawa University and will end at Ottawa University with the course totally contained on the east side of Main Street with no necessity for the racers to cross Main Street.

Commissioner Marstall made a motion that the request of Mr. Mijares on behalf of Ottawa University for the five kilometer twosome tango be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - March 28, 1983

The City Governing Body met in special session at 4:00 p.m. this date.
Present: Mayor Snyder and Commissioners Lister, McCrea and Larson.
Absent: Commissioner Marstall.

Public Hearing - Community Development Block Grant Funds

Mayor Snyder stated that the city is considering making application for Community Development Block Grant funds for FY1983, and called upon City Manager, David Watkins, to comment on what the city could apply for and the amounts for which the city could apply. The city manager explained that there is the sum of \$17,484,000 available to cities in Kansas under 50,000 population. The total amount is split between comprehensive and single purpose grants--between \$7,422,300 to \$9,170,700 for comprehensive grants and between \$7,081,020 to \$8,654,580 for single purpose grants.

The city now has a comprehensive grant for FY1982 in the amount of \$725,735. The amounts and categories for which the city is going to spend this amount are: \$504,735 - drainage improvements; \$160,000 - housing rehabilitation; \$25,000 - passive solar collectors; \$15,000 - demolition of dangerous structures; \$10,000 - administrative costs - and \$11,000 - New Horizons fair housing program. The city manager explained that a city may apply for as much as \$1,000,000 for a comprehensive program or as much as \$500,000 for a single purpose grant. The application for these monies must be received by the Department of Housing and Urban Development no later than April 18, 1983. It was further explained that the Department of Housing and Urban Development this year is promoting single purpose grants for the area of economic development.

Commissioner Larson suggested that the city apply for a single purpose grant to continue the development of the Skunk Run storm drainage project. Commissioner Lister expressed a concern for how much could be accomplished in furthering the project for \$500,000. The city manager answered that he had talked to A. C. Kirkwood & Associates, consulting engineers who had done the design work on all of the Skunk Run drainage improvements to date, and they were hesitant to give an estimate as to how much could be accomplished for \$500,000 inasmuch as there are many unknown factors in the continuation of the project until the preliminary engineering might be done.

Mayor Snyder stated that he thought further consideration should be given to housing rehabilitation for low- and moderate-income persons. Mayor Snyder said he felt over the years the city's involvement in rehabilitation of houses for these persons had been a big help.

Commissioner Larson made a motion that the city prepare applications for two single purpose grants, one in the area of storm drainage and the other in the area of housing rehabilitation. The motion was seconded by Commissioner McCrea. Commissioner McCrea then stated that he thought possibly the city should give some consideration to applying for monies for street overlays for some of the areas in which the streets are not paved. On call for the question, all present voted in favor of the motion.

Use of Proposed Sales Tax Revenues

Mayor Snyder opened the discussion by stating that he thought it might be appropriate at this time for the City Commission to restate its view on the use of the monies which would be derived from a countywide one cent sales tax, if the question is passed at the April 5, 1983 election. The City Commission at an earlier date had indicated the city's intent to use some of the monies derived from the sales tax to reduce property taxes. The tax levy for the general fund was increased five mills in 1982 for 1983 operating expenses to offset the loss of the intangibles tax revenues. This increase, however, was approved at a referendum a

few years earlier at which time the citizens of Ottawa elected to discontinue the intangibles tax.

Commissioners Larson, McCrea and Lister went on record as continuing to support the city's intent to reduce property taxes for the general fund if the sales tax referendum is passed.

Commissioner Marstall entered the meeting at this point, and he too went on record as supporting the city's intent for the sales tax revenues if the issue should be approved.

Commissioner Larson commented that not only would the sales tax relieve the tax burden on real property, but persons from out of state and out of the community who make purchases within Franklin County would also be paying this tax.

Commissioner McCrea commented that he thought the tax burden on real estate was too great and the sales tax would be a more equitable way to raise money to operate the city.

Agreement with ECKAN

The City Commission gave consideration to an agreement with the East Central Kansas Economic Opportunity Corporation (ECKAN) for receiving and screening applications for housing rehabilitation services in conjunction with the city's Community Development Block Grant program. It was explained that the city had had an earlier agreement with ECKAN for these services and the service obtained had been most satisfactory. The agreement sets forth that the city's payment to ECKAN will not exceed \$1,000 per month and ECKAN will provide the city with monthly financial statements commencing April 30, 1983. It was felt that the agreement would not run more than five or six months.

Commissioner McCrea made a motion that the City of Ottawa enter into an agreement with the East Central Kansas Economic Opportunity Corporation (ECKAN) for receiving and screening applications for housing rehabilitation services at a fee not to exceed \$1,000 per month. The motion was seconded by Commissioner Lister and upon call for the question all present voted in favor of the motion.

The purpose for which this meeting was called having been completed, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - April 6, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners Larson, Lister, McCrea and Marstall. Absent: None.

Approval of Minutes

The minutes of the regular meeting held March 16, 1983, were approved as written. The minutes of the special meeting held March 28, 1983, were amended to reflect that no one from the general public attended the meeting for purpose of comment on the proposed application for FY 1983 Community Development Block Grant funds. The balance of the minutes were approved as written.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. on April 5, 1983. Present: Chairman Koch and Members Wellington, Thornburg, Searls, Jackson, Underwood and Spears. Absent: None.

The minutes of the last regular meeting held on March 1, 1983, were approved as written.

The Planning Commission decided by a 6-0 vote with one abstention to recommend to the City Commission an amendment to the Zoning Ordinance to allow taxi dispatching as a permitted use in the C-S (Highway Service) District.

The Planning Commission decided by a 7-0 vote to recommend to the City Commission the acceptance of the final plan of the Ottawa Retirement Village Planned Unit Development subject to the following conditions:

1. That several minor technical points be corrected on the final plan, including the placement of a legend on the plan.
2. That "no parking" signs be placed at the north entrance to the nursing home project restricting parking to one side of the entryway drive and the peripheral drive around the nursing home, and that parking be prohibited at the four corners surrounding the nursing home.

The Planning Commission decided by a 7-0 vote to accept the final plat of the Ottawa Retirement Village Planned Unit Development subject to the following conditions:

1. That PUD be removed from the title of the subdivision.
2. That the section corners be referenced on the final plat.
3. That the trees located on the final plat be specified as actual and not proposed.

The Planning Commission decided by a 5-1 vote with one abstention to recommend to the City Commission the adoption of an amendment to the Zoning Ordinance which would allow windmills in residential districts provided that they shall not exceed the height requirements of the district in which it is located.

The Planning Commission continued the public hearing on regulations governing the construction of earth contact homes within the city limits. The Planning Commission looked at several proposed definitions of earth contact homes and decided to postpone action on this subject until they had time to familiarize themselves with the different styles of earth contact homes before deciding on a definition and pertinent regulations.

The Planning Commission decided by a 7-0 vote to call a public hearing in May to consider a draft of proposed goals and objectives for the use of planning and land use controls within the City of Ottawa.

There being no further business the meeting was adjourned.

At the conclusion of the reading of the report of the Planning Commission meeting, Commissioner Larson questioned whether there would be a height limitation on windmills used for electric generating purposes. The city manager answered that the present regulations limit the height of any structure to 25 feet.

Commissioner Marstall questioned whether removing the designation "PUD" from the title of the subdivision would limit the city's authority insofar as the proper placement of trees and other items in the subdivision. The city manager answered that the designation "PUD" would be removed from the subdivision title only, and would not affect the subdivision's status as a PUD. It was also pointed out that any covenants that might run with the land would supersede any zoning regulations.

Commissioner Lister asked if there were any problems with the sewer or water lines to be placed on the property, and the city manager answered that those problems had been worked out.

There being no further comments, the report of the Planning Commission meeting was entered into the official record of the city to be considered for action at a later date.

Lease Agreement for Baseball/Softball Facilities

Commissioner Lister made a motion that the city enter into a lease with the Ottawa Recreation Commission for the management of the baseball and softball diamond facilities at Orlis Cox Field and at Forest Park. The term of the proposed lease begins on the first day of April, 1983, subject to terms and conditions therein specified, with the term to end on October 15, 1983. The lease is to be renewable for a subsequent term upon review. The motion was seconded by Commissioner Larson.

It was explained that the Recreation Commission will pay 60% of the electric bill at Orlis Cox Field, with the city to pay the additional 40%. At Forest Park, the Recreation Commission is to pay 100% of the electric power consumed at the men's and women's softball diamonds, and the city is to pay 100% of the electric power consumed at the tennis courts. The city is to pay the cost of water at both Orlis Cox Field and the Forest Park diamond. On call for the question, all present voted in favor of the motion.

Proposal for Compliance Audit

Mayor Snyder announced that the city would not consider proposals for a compliance audit of the 1981 Community Development Block Grant program at this time as another proposal is to be submitted in addition to the one already received by the city. This item will be considered at the next regular meeting of the City Commission on April 20, 1983.

Utility Pole Use Agreement

Mayor Snyder announced that the City Commission had before it at this time an agreement between the City of Ottawa and the Kansas City Power and Light Company for the joint use of poles between the two utilities. At the present time the City of Ottawa is using four utility poles that belong to the Kansas City Power and Light Company. The purpose of the agreement is more to assign the liabilities and responsibilities for the use of the poles than for the establishment of fees. The agreement does state, however, that the City of Ottawa will pay the Kansas City Power and Light Company \$5.00 per year for the use of each pole by the City of Ottawa.

Commissioner Larson made a motion that an agreement with the Kansas City Power and Light Company for joint use of poles be approved. The motion was seconded by Commissioner McCrea. Upon call for the question, all present voted in favor of the motion.

Assignment of Lease Agreement

Mayor Snyder announced that the assignment of lease agreement for the Lee Apparel Co. which the City Governing Body has for consideration

at this time will be delayed until the city attorney can fully investigate the assignment of the lease agreement and give his approval to proceed. Action on this item will be taken at a later date.

Change Order No. 1, Central Business District Improvement Contract

Commissioner McCrea made a motion that Change Order No. 1 to the Street and Sidewalk Improvement Contract for the substitution of a statutory bond for a payment bond be approved. The motion was seconded by Commissioner Lister. It was explained that the contract and bond documents as prepared by the Bucher & Willis engineering firm included a material payment bond in lieu of a statutory bond as required by Kansas law. The change order which is before the Governing Body at this time entails the substitution of the property statutory bond for the payment bond which was included with the contract documents. Upon call for the question, all present voted in favor of the motion.

Review of City Investment Schedule

Commissioner Marstall made a motion that the City Investment Schedule for March 1983 be approved. The motion was seconded by Commissioner Larson. The investment schedule for March 1983 showed a total investment of \$5,835,000 of city funds at an average interest rate of 8.33%. The highest investment rate was 9.06% and the lowest rate was 7.8%. Upon call for the question, all present voted in favor of the motion.

Announcement of a Special Meeting

Mayor Snyder announced that a special meeting will be held at 3:30 p.m. April 11, 1983, for the purpose of review of special assessments on recently completed improvement projects. The projects for which special assessments will be reviewed are Beech Street from Seventh Street to Seventh Street Terrace; Seventh Street Terrace from Beech Street to Twyman Street; Sycamore Street from Tenth to Eleventh Street; Spruce Street from Logan to Fairway Drive; Powhattan Street from Spruce to Hemlock Street; Thirteenth Street from Ash to Olive Street; and a section of North Sycamore Street approximately one-half block in length.

Resolution - Private Property Week

A resolution proclaiming the week of April 10-17, 1983, as Private Property Week was read by the city clerk. Commissioner Marstall made a motion that the mayor be authorized to sign the proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion, except Commissioner Lister who abstained from voting.

Request for Bike-a-thon

Diane Campbell, operator of The Looking Glass, submitted written request to hold a bike-a-thon at Kanza Park on May 14, 1983, from 10:30 a.m. to 2:00 p.m. The proceeds from the bike-a-thon will go to St. Jude's Research Hospital in Memphis, Tennessee, for the treatment and research of cancer and other catastrophic children's diseases. Commissioner Lister made a motion that Diane Campbell be granted permission to hold the bike-a-thon in Kanza Park on May 14, 1983 from 10:30 a.m. to 2:00 p.m. The motion was seconded by Commissioner McCrea. All present voted in favor of the motion.

Jaycees' Walk-a-thon

It was announced that the Ottawa Jaycees will hold their annual walk-a-thon to the Chippewa Hills on May 30, 1983. Commissioner Larson made a motion that Kanza Park be named as one of the organizations to which funds can be pledged from the Jaycee walk-a-thon. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request by the Ottawa Retail Association

Mr. Larry Powell, Executive Director of the Greater Ottawa Chamber of Commerce, appeared on behalf of the Ottawa Retail Association requesting

permission to hold a May Day sidewalk sale on April 30, 1983, in the Central Business District. Mr. Powell stated that the local businesses would be using only the sidewalk and were not requesting that any of the streets be blocked for this sale. It was also stated by Mr. Powell that inasmuch as some of the sidewalks will be blocked for the Central Business District improvement project, many of the merchants are going to move across the street and display their merchandise with their neighbors on the opposite side of the street. Commissioner Larson made a motion that the request of the Ottawa Retail Association to use the sidewalks for a May Day sale on April 30, 1983, between the hours of 9:00 a.m. and 5:00 p.m. be approved. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Comments of Commissioner Lister on National League of Cities
Legislative Conference

Commissioner Lister stated that she and city manager, David Watkins, attended the National League of Cities Legislative Conference in Washington, D.C. in early March. Mrs. Lister stated that one of the areas in which the National League of Cities is involved presently is the reauthorization of Revenue Sharing, which expires in September of this year. Mrs. Lister said the National League of Cities is also active in the area of the continuation of the Community Development Block Grant program, from which many smaller cities have received numerous benefits. Some of the other areas of involvement by the National League of Cities are concerning the environment, the pricing of natural gas, the renegotiation of take or pay natural gas contracts, the clean air and clean water act, and the disposal of hazardous waste.

Comments of Commissioner Marstall

Commissioner Marstall made a motion that the mayor be authorized to write a letter to Mr. Ernie Mosher, Executive Director of the Kansas League of Municipalities, expressing this commission's and the city's appreciation for the efforts of Mr. Mosher and the league staff in following various pieces of legislation, both good and bad for the cities, through the legislature and keeping the cities posted on their status. The motion was seconded by Commissioner Lister and upon call for the question, all present voted in favor of the motion.

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - April 11, 1983

The City Governing Body met in special session at 3:30 p.m. this date. Present: Mayor Snyder and Commissioners Marstall, McCrea, Larson and Lister. Absent: None.

The purpose of this meeting is to review assessments against real property for the improvement of certain streets. Mayor Snyder called on City Manager, David Watkins, to explain the city's assessment policy.

The city manager explained that the cost of an improvement is spread against a property by determining the front foot cost of such improvement. Further, that the first 50 percent of the real property closest to the improvement and fronting on the improvement will pay 65 percent of the front foot cost; the next 30 percent of real property will pay 24 percent of the front foot cost; and the last 20 percent of the real property will pay 11 percent of the front foot cost. This policy of assessing real property for street and storm drainage improvements is as established by Resolution No. 2 of the City of Ottawa, passed in 1972.

Beech Street from Seventh Street to Seventh Street Terrace

The improvement of Beech Street from Seventh Street to Seventh Street Terrace entailed a total cost of \$30,896.53, of which the city-at-large will pay \$7,925.08 and \$22,971.45 is payable by the improvement district.

Robert T. Messenger, 1122 W. Seventh Street, questioned how the assessment was determined for his property inasmuch as he is almost one-half a block from the improvement. It was explained to him that his property is in the area that pays only 24 percent and 11 percent of the total cost. In fact, one of his lots is split so that part of the lot is in the 24 percent cost area and with the remainder in the 11 percent cost area. The total cost of Mr. Messenger's assessment was \$742.54. The one lot which is split between the two cost areas had a total assessment of \$306.95. This answer satisfied Mr. Messenger.

Mrs. Katy Goodman, 1125 W. Seventh Street Terrace, posed basically the same question as Mr. Messenger, wanting to know how the special assessment was determined on one of her lots that was in two different percentage cost areas. The cost for this lot was \$245.56, with the total cost for all three of her lots being \$594.09. This answer also satisfied Mrs. Goodman.

Mr. Randy McCurdy, 1028 W. Seventh Street, asked why his assessment was so much greater than his neighbor's assessment. His neighbor's property fronts immediately on Beech Street and Mr. McCurdy's property is removed from Beech Street. An answer to Mr. McCurdy's question not coming forward, it was announced to Mr. McCurdy that the hearing on the special assessments on Beech Street would be continued until 11:45 a.m. April 18, 1983, at which time we would have an answer for him.

Commissioner McCrea made a motion that the hearing on the special assessments on Beech Street from Seventh Street to Seventh Street Terrace be continued until 11:45 a.m. April 18, 1983. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Seventh Street Terrace from Beech Street to Twyman Street

The improvement of Seventh Street Terrace from Beech Street to Twyman Street entailed a total cost of \$49,910.34, of which the city-at-large will pay \$11,827.54 and \$38,082.80 is payable by the improvement district.

There being no one present to comment on the improvement district or the cost to the benefit district, Commissioner Marstall made a motion that the hearing for review of special assessments for Seventh Street Terrace from Beech Street to Twyman Street be closed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2723-83 - Special Assessments - Seventh Street Terrace

Commissioner Marstall made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improving Seventh Street Terrace from Beech Street to Twyman Street, including intersections at both ends of Seventh Street Terrace, in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Sycamore Street from Tenth Street to Eleventh Street

The improvement of Sycamore Street from the south line of Tenth Street to the north line of Eleventh Street entailed a total cost of \$48,951.76, of which the city-at-large will pay \$9,457.42 and \$39,494.34 is payable by the improvement district.

Mrs. Elva J. Roberts Ketch, 918 Walton, who owns property fronting on Sycamore Street, was present to ask why her property should have to pay an assessment on Sycamore Street when the house on the property actually fronts on Eleventh Street. It was explained to Mrs. Ketch that the direction in which a house faces does not really determine the frontage of a property inasmuch as her property does abut directly on Sycamore Street, it much be assessed for a portion of the paving improvement.

There being no further comments or questions, Commissioner McCrea made a motion that the hearing on the special assessments for the improvement of Sycamore Street from Tenth Street to Eleventh Street be closed. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Ordinance No. 2724-83 - Special Assessments - Sycamore Street

Commissioner Lister made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improving Sycamore Street from the south line of Tenth Street to the north line of Eleventh Street in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Marstall and all present voted in favor of the motion.

Spruce Street from Logan Street to Fairway Drive

The improvement of Spruce Street from the north line of Logan Street to the north line of Fairway Drive entailed a total cost of \$164,665.46 of which the city-at-large will pay \$78,702.51 and \$85,962.95 is payable by the improvement district.

There was no one present to ask questions or make comments concerning the special assessments on the improvement of Spruce Street. Commissioner Marstall made a motion that the hearing for the review of special assessments for the improvement of Spruce Street from the north line of Logan Street to the north line of Fairway Drive be closed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2725-83 - Special Assessments - Spruce Street

Commissioner Marstall made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improving Spruce Street from the north line of Logan Street to the north line of Fairway Drive in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

North Sycamore Street from Garfield Street to a Point Approximately 440' South

The improvement of North Sycamore Street from a point approximately 555' north of the center line of Grant Street, thence in a northerly

direction approximately 440' ending at the north line of Garfield Street right of way entailed a total cost of \$39,113.13, of which the city-at-large will pay \$15,133.96 and \$23,979.17 is payable by the improvement district.

The only person present to comment on this project was Mr. Kenneth D. Baston, who stated that the terraces were left in bad condition. It was pointed out, however, that the condition of the terraces may be from erosion due to the fact that the terraces were seeded late in the season and erosion has probably taken place through the winter and spring. The City Commission instructed the city manager to have the area inspected and to have the contractor clean up any areas that are in bad condition.

Commissioner Lister made a motion that the hearing for the review of special assessments for the improvement of this portion of North Sycamore Street be closed. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2726-83 - Special Assessments - North Sycamore Street

Commissioner McCrea made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improving North Sycamore Street from a point approximately 555' north of the center line of Grant Street, thence in a northerly direction approximately 440' ending at the north line of Garfield Street right of way in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Marstall. On call for the question, all present voted in favor of the motion.

Powhattan Street from Spruce Street to Hemlock Street

The improvement of Powhattan Street from the west line of Spruce Street thence east to a line due south from the point of intersection with the north line of Powhattan Street with the east line of Hemlock Street entailed a total cost of \$17,329.18, of which the city-at-large will pay \$5,133.56 and \$12,195.62 is payable by the improvement district.

There was no one present to comment or ask questions concerning the special assessments on the improvement of this street. Commissioner Larson made a motion that the hearing for the review of special assessments for the improvement of Powhattan Street from Spruce Street to Hemlock Street be closed. The motion was seconded by Commissioner McCrea and on call for the question, all present voted in favor of the motion.

Ordinance No. 2727-83 - Special Assessments - Powhattan Street

Commissioner Marstall made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improving Powhattan Street from the west line of Spruce Street thence east to a line due south from the point of intersection with the north line of Powhattan Street with the east line of Hemlock Street in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner McCrea. On call for the question, all present voted in favor of the motion.

Thirteenth Street from Ash Street to Olive Street

The improvement of Thirteenth Street from a point approximately 36' east of the center line of Olive Street thence in an easterly direction along the platted street for approximately 621' ending at a point approximately 38' west of the center line of Ash Street entailed a total cost of \$65,261.73, of which the city-at-large will pay \$27,344.59 and \$37,917.14 is payable by the improvement district.

There was no one present to comment as questions concerning the improvement. Commissioner Larson made a motion that the hearing for the review of special assessments for the improvement of Thirteenth Street from Ash Street to Olive Street be closed. The motion was seconded by Commissioner McCrea and on call for the question, all present voted in favor of the motion.

Ordinance No. 2728-83 - Special Assessments - Thirteenth Street

Commissioner Lister made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improving Thirteenth Street beginning at a point approximately 38' east of the center line of Olive Street thence in an easterly direction along the platted street for approximately 621' ending at a point approximately 38' west of the center line of Ash Street in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Commissioner McCrea made a motion that all owners of property against which special assessments been levied today for street improvements be given until 5:00 p.m. May 13, 1983, to pay the special assessments in full if they desire to do so. If the special assessments are not paid in full by 5:00 p.m. May 13, 1983, at that time the city will proceed to prepare to sell the general obligation bonds to finance the improvements. The motion was seconded by Commissioner Lister and on call for the question, all present voted in favor of the motion.

It was announced at this time that the continuation of the hearing on the special assessments of Beech Street from Seventh Street to Seventh Street Terrace would be continued at 11:45 a.m. on April 18, 1983.

The business for which this meeting had been called having been conducted, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - April 18, 1983

The City Governing Body met in special session at 11:45 a.m. this date. Present: Mayor Snyder and Commissioners Larson, Marstall, Lister and McCrea. Absent: None.

The purpose of the meeting was to review and approve an application for FY 1983 Community Development Block Grant funds and to conclude a hearing for review of special assessments for Beech Street from Seventh Street to Seventh Street Terrace, and to issue a proclamation designating the month of April 1983 as "Fair Housing Month".

Mayor Snyder called on City Manager, David Watkins, to present the applications for Community Development Block Grant FY 1983 funds. Mr. Watkins explained that the city had applied for funding in two single purpose programs, one for housing rehabilitation and the other for storm drainage improvements.

In the area of housing rehabilitation, Mr. Watkins stated that the city had applied for \$20,000 more than was sought in FY 1982, for a total of \$180,000. Mr. Watkins said that if the city is successful in obtaining the grant for housing rehabilitation, the project would probably not be started for late 1983 or early 1984. The target areas in which the housing rehabilitation is to take place are basically the same as they have been in past years. Mr. Watkins stated that the application contains documentation and pictures of past accomplishments as past performance is a major consideration when applications are reviewed for future funding.

In the area of storm drainage, Mr. Watkins stated that the city has applied for \$480,000 to complete the final phase of the Skunk Run drainage improvement program. He said A. C. Kirkwood & Associates had reviewed the remaining work to be done on the Skunk Run channel, inclusive of replacing some sanitary sewers for houses along revamping the Skunk Run drainage area. Their estimate for the final phase was \$480,000. Mr. Watkins stated that he had calculated that if the city should have to borrow \$480,000 in temporary notes for 18 months to accomplish the project, the interest at 8-1/2 percent would be \$60,000 for the 18 months; thus the city would have to sell bonds in the amount of \$541,200 to pay the cost of the project and interest. The first year payment on the bonds would amount to about 4-1/2 mills.

Commissioner Larson made a motion that the city's applications for FY 1983 Community Development Block Grant funds in the amount of \$180,000 for housing rehabilitation and \$480,000 for storm drainage improvements be approved, and that the city manager be authorized to sign the applications. The motion was seconded by Commissioner Lister and all present voted in favor of the motion.

Review of Assessments

The review of special assessments for the improvement of Beech Street from Seventh Street to Seventh Street Terrace was continued at this time. Mayor Snyder asked the city clerk to comment on the area of difficulty that had been encountered during the beginning of the public hearing.

The city clerk reported that as a result of concern expressed by Randy McCurdy, 1028 W. Seventh Street, that his special assessment seemed to be extremely high relative to the proximity of his property from Seventh Street, it was determined that Mr. McCurdy had been given an assessment which belonged to another property owner and the other property owner had received an assessment which should have been given to Mr. McCurdy. Mr. McCurdy's actual assessment for the improvement of Beech Street from Seventh Street to Seventh Street Terrace was \$527.88 and not \$4,722.74 as he had been originally advised.

Mr. Richard Gould, 1034 W. Seventh Street, had been contacted since the beginning of the public hearing and it was explained to Mr. Gould that he had received the wrong assessment for his property, and that his actual assessment for his property due to the improvement of Beech Street was \$4,722.74, and not the \$527.88 as his original notice of assessment had stated. At the request of the city clerk, Mr. and Mrs. Gould had signed a waiver of notice of assessment in order that the city might proceed with the permanent financing for the project. Upon signing the waiver of notice of assessment, however, Mr. Gould did register an objection that he felt he was being overcharged for the street inasmuch as a like size piece of property across the street from him was being assessed at some \$2,000 less than Mr. Gould's property. The city clerk did explain to Mr. Gould that the benefit district on the west side of Beech Street is much larger in depth than the benefit district on the east side of Beech Street. Therefore, the cost of the street for the west side of Beech Street is spread to the individual property owners inasmuch as there is more area to be assessed.

The city clerk informed the City Commission concerning the fact that he had held conversation with the bond attorney and with the signed waiver from Mr. Gould, it was the opinion of the bond attorney that the city could proceed with levying the assessments and the eventual sale of the bonds to finance the project.

Commissioner Marstall made a motion that the hearing for the review of special assessments for Beech Street from Seventh Street to Seventh Street Terrace be closed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

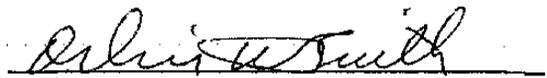
Ordinance No. 2729-83 - Special Assessments - Beech Street

Commissioner McCrea made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improving Beech Street from the south line of Seventh Street to the south line of Seventh Street Terrace in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Marstall and upon call for the question, all present voted in favor of the motion.

Proclamation = Fair Housing Month

Mayor Snyder directed the city clerk to read a proclamation designating the month of April 1983 as Fair Housing Month. Commissioner Larson made a motion that the mayor be authorized to sign a proclamation proclaiming the month of April 1983 as Fair Housing Month in the City of Ottawa. The motion was seconded by Commissioner Lister and on call for the question all present voted in favor of the motion.

The business for which the meeting was called having been completed, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - April 20, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Snyder and Commissioners McCrea, Larson, Lister and Marstall. Absent: None.

In opening the meeting, Mayor Snyder welcomed the County Commissioners, former Mayor Gaynor and Commissioners-elect Thompson, Bemmels and Heathman to the meeting. Commissioners-elect Thompson, Bemmels and Heathman were to be sworn in at the conclusion of this meeting.

Approval of Minutes

The minutes of the last regular meeting held April 6, 1983, and of special meetings held April 11, and April 18, 1983, were approved as written.

Ordinance No. 2730-83 - Annexation of Property

Mayor Snyder announced that the next three items would concern the annexation of property, the approval of a Planned Unit Development and the issuance of Industrial Revenue Bonds for the Ottawa Retirement Village. Mayor Snyder then called on City Manager, David Watkins, to comment on the subject.

The city manager explained that the annexation of this property was also contingent upon a plat and a plan for development of the property, and that the details of the final plan and the final plat have been worked out in such a manner allowing the city to proceed with annexation of the property and approval of the plan and plat at this time.

Commissioner McCrea made a motion that an ordinance annexing certain land to the City of Ottawa, Kansas, in conformity with the provision of K.S.A. 12-520 be passed. The land to be annexed being described as: Commencing at the Northwest corner of Northwest Quarter of Section 11, Township 17 South, Range 19 East, thence south 660'; thence west 330'; thence north 660'; and thence east 330' to place of beginning; containing 5 acres in the Franklin County, Kansas. The motion was seconded by Commissioner Larson. On call for the question, all present voted in favor of the motion.

Final Plat of the Ottawa Retirement Village Planned Unit Development

The city manager explained that the Ottawa Retirement Village Planned Unit Development has been through the zoning and subdivision regulation process and is now ready for action by the City Commission as recommended by the Planning Commission. The Ottawa Retirement Village Planned Unit Development consists of a 120-bed nursing home with a 24-unit apartment complex. The location of all utilities, roads and parking areas in the planned unit development have been approved by the City Planning Commission.

Commissioner Lister made a motion that the final plat of the Ottawa Retirement Village Planned Unit Development be approved as recommended by the City Planning Commission, and the mayor be authorized to sign the plat subject to final approval of the city attorney. The motion was seconded by Commissioner Larson and all present voted in favor of the motion.

Ordinance No. 2731-83 - Planning and Zoning

Commissioner Lister made a motion that an ordinance rezoning a tract of land known as the Ottawa Retirement Village from R-S (Residential Suburban) to PUD (Planned Unit Development) be passed. The motion was seconded by Commissioner Larson. On call for the question, all present voted in favor of the motion.

Resolution No. 360 - Intent to Issue Industrial Revenue Bonds

Commissioner Larson made a motion that a resolution of intent authorizing the issuance of \$1,850,000 of Industrial Revenue Bonds for the construction of a 120-bed nursing home and 24-unit apartment complex located on West Fifteenth Street be passed. The motion was seconded by Commissioner McCrea. Mayor Snyder called on Mr. John Howe, developer, to explain the cost of the project.

Mr. Howe explained that the developer presently has \$40,000 in site costs for purchase of the site on which the complex is to be located. In addition, the cost for construction of the apartment complex will be \$432,000, construction of the nursing home will be \$1,190,000, equipment costs will be \$75,000, escrow interest for the first year will be \$150,740, legal fees and insurance will be \$18,500, fiscal fees will be \$133,940 and a bond reserve of \$185,000 must be established for a total cost of \$2,228,180. Taking into consideration that the intent is to issue \$1,850,000, it leaves a total of \$378,100 which must be invested by the developer. It was indicated by Mr. Howe that they are presently working with bond attorneys in Wichita and at the present time financing for the project through the sale of Industrial Revenue Bonds has been assured. It was further reported by Mr. Howe that the new complex will not create undue competition against other units as they are actually replacing a unit and adding a few beds rather than adding an entirely new unit to compete with those already in existence. The plans call for seven or eight additional jobs being created as a result of the slight increase in size of the facility, but for the most part, the new construction will have a stabilizing effect for those jobs presently existing at the Cedarhouse nursing home facility.

On call for the question, all present voted in favor of the motion.

Ordinance No. 2732-83 - Zoning

Commissioner Marstall made a motion that an ordinance amending the Zoning Ordinance to allow taxicab dispatching, garaging and maintenance as an allowable use in the C-S (Highway Service) district be passed. The motion was seconded by Commissioner Lister.

Commissioner Larson stated that it was his understanding that the matter of operating a taxicab without a license was still under consideration in the district court, and Commissioner Larson then made a motion that action on Mr. Marstall's motion be tabled until a later date. Mr. Larson's motion died for lack of a second.

Commissioner McCrea stated that the Planning Commission had voted 6-0 to change the Zoning Ordinance to allow taxicab dispatching, garaging and maintenance in C-S (Highway Service) districts, and he is aware that the Planning Commission has studied the matter thoroughly so he could see no reason for delaying the motion on the table.

Mr. Les Coulter, 633 S. Hickory, appeared before the City Commission and stated that for a person who had been convicted of operating a taxi business within the city without a license, and a person who by his own admission did not know the laws concerning the operation of taxis in the city, should not be given this consideration.

Mrs. Frances Coulter, 823 S. Main, stated that if the City Commission is going to allow spot zoning for the operation of taxicabs, she would like her property spot zoned as well for operation of taxicabs.

The City Commission did inform Mrs. Coulter that the action they are considering would not constitute spot zoning.

Mr. Les Coulter asked the City Commission if they had given further consideration to calling a hearing for the Ottawa Taxi Company for operating without a license. Mayor Snyder stated that the City Commission had given no further consideration to this item until the district court has made a determination on the case before it.

Mr. Larry Powell, Executive Director of the Greater Ottawa Chamber of Commerce, appeared before the City Commission to confirm that the action before them would not constitute spot zoning but would allow an additional use within a zoning district. Upon call for the question, all present voted in favor of the motion.

Ordinance Concerning Electric Generation Windmills In Residential Areas

Commissioner Marstall made a motion that an ordinance amending and modifying Ordinance No. 2713-83 to restrict the height of windmills by specifically amending Article 26, Section 1, with the addition of a new Paragraph 2, be passed. The motion was seconded by Commissioner Lister. The mayor then directed that the city clerk read Paragraph 2 of the proposed ordinance, which read as follows:

2. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed 150 feet; provided however, that windmills shall not exceed the height requirements of the district in which it is located.

Mayor Snyder asked the city manager what the height regulations on windmills would be if the ordinance were passed, in residential areas. The city manager stated that the height regulation on windmills would be 35 feet in R and R-1 zoned areas, and 45 feet in R-2 zoned areas.

Commissioner McCrea stated that he felt possible the City Commission is trying to regulate an area that should not be regulated. Very possibly in the future wind power could be an important source of electric generation and by passing such regulations, the development of this source of electric power could be greatly curtailed.

Commissioner McCrea made a substitute motion that the Planning Commission's recommendation for passage of the ordinance be returned to the Planning Commission with instructions to hold a well-publicized public hearing and to report their findings and recommendations back to the City Commission in due course. The motion was seconded by Commissioner Larson. On call for the question, all present voted in favor of the substitute motion.

Proposal for Compliance Audit of the 1981 Community Development Block Grant Program

Mayor Snyder announced that this item was not covered at the last regular meeting as it was understood that another proposal for the audit for the 1981 Community Development Block Grant program would be forthcoming. However, other such proposal was received and the city would now consider the proposal from Schulte, Klein, Gaeddert & Agler, Chartered, Certified Public Accountants, at this time.

The proposal as set forth by Schulte, Klein, Gaeddert & Agler, Chartered, stipulates the various auditing functions to be performed in the compliance audit along with the pay schedule of various professionals who would be utilized in conducting the audit. The audit is to commence on April 19, 1983, and the completed report should be in the hands of the City Commission in approximately sixty days. This is an estimated completion date and may be modified by mutual agreement of both parties.

Commissioner McCrea made a motion that a proposal from Schulte, Klein, Gaeddert & Agler, Chartered, to perform a compliance audit of the 1981 Community Development Block Grant program be approved and that the mayor be authorized to sign an agreement. The motion was seconded by Commissioner Larson and upon call for the question, all present voted in favor of the motion.

Easement Agreement with Harry E. Shaver

Commissioner Marstall made a motion that the City Commission grant an easement to Harry E. Shaver to allow access to landlocked property by crossing Mears Park. The motion was seconded by Commissioner McCrea. Mr. Marstall explained that for many years Mr. Shaver has owned property and has access to that property across a small corner of Mears Park, which is owned by the City of Ottawa. Inasmuch as the City of Ottawa is considering the sale of Mears Park at this time, Mr. Marstall felt it would be proper for the city to grant Mr. Shaver right of egress and ingress to his landlocked property across this corner of Mears Park. The area through which Mr. Shaver will have right of ingress and egress contains only 1,650 square feet, so it should not detract from the value of Mears Park. Upon call for the question, all present voted in favor of the motion.

Engineering Proposal - Cook, Flatt & Strobel

Commissioner McCrea made a motion that an engineering proposal from Cook, Flatt & Strobel for the design of storm drainage improvements for the 900 block of Olive Street be approved. The motion was seconded by Commissioner Larson.

The proposal of Cook, Flatt & Strobel, consulting engineers, for the preparation of plans and specifications, for storm drainage improvements between Cypress and Olive Street south of Eighth Street, is for a maximum lump sum fee of \$2,550. The proposal further states that upon request of the city, the firm of Cook, Flatt & Strobel will assist with advertisement and award of a construction contract on a cost reimbursement basis. Upon call for the question, all present voted in favor of the motion.

Proclamation - Youth Week

Commissioner Lister made a motion that the mayor be authorized to proclaim the week beginning May 1, 1983, as Youth Week in the City of Ottawa. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Proclamation - Youth Temperance Education Week

Commissioner Larson made a motion that the mayor be authorized to proclaim the week of April 24-30, 1983, as Youth Temperance Education Week. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion, except that Commissioner Marstall did so with lengthy hesitation.

The business of the City Commission having been completed, Mayor Snyder called for Commissioners-elect Thompson, Bemmels and Heathman to step forward to take their oath of office as administered by the city clerk. Upon completion of the oath administering, Mayor Snyder and Commissioners Marstall and Larson stepped down so that the new commissioners might be seated at the commission table. Commissioner Lister as mayor pro tem for 1982, moved to the mayor's chair to conduct the next item of business, the election of a mayor and mayor pro tem for the ensuing year.

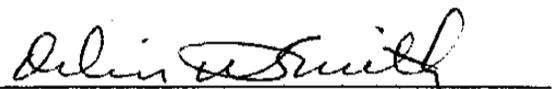
Mayor pro tem Lister and Commissioner McCrea presented outgoing Mayor Snyder and former commissioners Marstall and Larson with plaques of appreciation commemorating their service as City Commissioners and expressing the appreciation of Mayor pro tem Lister and Commissioner McCrea for having been privileged to serve with the outgoing officials.

Mayor pro tem Lister called the meeting of the new City Commission to order and asked for nominations for mayor for 1983. Commissioner McCrea nominated Charlene Lister for Mayor for 1983. The nomination was seconded by Commissioner Heathman. Commissioner Bemmels moved that the nominations cease. Upon call for the question, all present voted in favor of the motion.

Mayor Lister then called for nominations for mayor pro tem for 1983. Commissioner Thompson nominated Commissioner McCrea for Mayor pro tem for 1983. The nomination was seconded by Commissioner Heathman. Commissioner Bemmels made a motion that the nominations cease. Upon call for the question, all present voted in favor of the motion.

Mayor Lister then called former Mayor Snyder forward and proceeded with presentation to former Mayor Snyder of a plaque commemorating his year of service. The plaque contained the gavel which he had used as mayor when conducting meetings of the City Commission this past year.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - May 4, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners McCrea, Heathman, Thompson and Bemmels. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held April 20, 1983, were corrected to reflect on Page 37, the third paragraph from the bottom, that no other such proposals were received for the audit of the 1981 Community Development Block Grant program. The balance of the minutes were approved as written.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. on May 3, 1983. Present: Chairman Koch and Members Wellington, Thornburg, Searls, Jackson, Underwood and Spears. Absent: None.

The minutes of the last regular meeting held on April 5, 1983, were approved as written.

The Planning Commission continued the public hearing to consider amending the Zoning Ordinance to allow the construction of earth contact homes within the city limits. The Planning Commission decided by a 7-0 vote to define underground homes in Section 2, Article III of the Zoning Ordinance as follows:

25a. DWELLING, UNDERGROUND: Any completed residential building that has at least fifty percent (50%) of two but no more than three walls, other than basement walls, in contact with the earth and where the top of one exterior wall of the structure is at least eight (8) feet above the average elevation along the front or rear of the lot on which it is located.;

and to allow underground homes in Article XXVI of the Zoning Ordinance as follows:

SECTION 5. UNDERGROUND DWELLINGS: Underground dwellings as defined by these regulations shall be a permitted type of residence subject to the following:

1. Lot areas, lot widths and setbacks for underground dwellings shall conform to those established by the zoning district.
2. Prior to the issuance of a building permit, the building inspector shall receive plans prepared by a licensed architect for the structure and certification from a structural engineer that any roof that has earth on top of it can withstand anticipated loads.
3. The submittal by the applicant of plans that show the adequate drainage of the site.

The Planning Commission recommended that the City Commission make the above amendments to the Zoning Ordinance.

The Planning Commission held a public hearing to consider a draft of proposed developmental goals, objectives and policies for the use of planning and land use controls to provide orderly and efficient urban development in the City of Ottawa. There was no one present to ask questions or make suggestions to the Planning Commission. In accordance with Planning Commission bylaws, this matter was taken under advisement.

The Planning Commission held a public meeting to reconsider an amendment to the Zoning Ordinance to restrict the height of windmills within the city limits. This public meeting was held at the request of the City Commission. The city's planning consultant, Myles Schachter, explained to the Planning Commission that it was necessary to respond to the City Commission within ten days from this date in order to comply with statute regulations. The Planning Commission decided to forward a letter as composed by Commissioner Thornburg which explains the reasons the Planning Commission was reluctant to allow windmills, with all of their problems, in other than industrial districts, and attach to this letter the list of 15 windmill problems as discussed by the Planning Commission in making the original recommendation to the City Commission.

The Planning Commission, in response to a letter that was received from Kenneth F. Emery, decided not to hold a public hearing to amend the Zoning Ordinance to allow exterminating services in the C-3 (Central Business) District. In their discussion, the Planning Commissioners noted that the chemicals associated with this kind of use would create a danger in this dense commercial district. The city staff was instructed to send a letter to the applicant explaining the reasons for not holding a hearing.

The Planning Commission, in response to a letter from Anyd Mietchen of Andy's Siding Co., discussed the advantages and disadvantages of allowing the sale of fruit and vegetables in the C-S (Highway Service) District. In their discussion, the Planning Commissioners noted the alternatives of allowing this use on a temporary basis or of allowing it as a permitted use in this district. The Planning Commission instructed the city planner to prepare a staff report, and to discuss with the city attorney the jurisdiction of the Planning Commission in reference to temporary uses.

Mr. Noel Douglas asked the Planning Commission if there was some way that an additional 30 feet of right of way could be acquired along the south side of Blackhawk Street immediately east of Cherry Street. The Planning Commission suggested that Mr. Douglas contact the city staff to pursue the acquisition of this right of way and the widening of this street.

There being no further business to come before the Planning Commission, the meeting was adjourned.

At the conclusion of the report of the Planning Commission meeting, Commissioner McCrea made a motion that the report be taken under advisement for further discussion. The motion was seconded by Commissioner Thompson and upon call for the question, all present voted in favor of the motion.

Review of Investment Schedule

Commissioner McCrea made a motion that the Investment Schedule for April 1983 be approved, noting that at April 30, 1983, the city had \$5,535,000 invested at an average interest rate of 8.30 percent. The motion was seconded by Commissioner Bemmels. Mayor Lister remarked that the investment schedule is showing signs of improvement in that all investments at present are in excess of eight percent, and not too long ago we did have some investments at less than eight percent. Upon call for the question, all present voted in favor of the motion.

Designation of Official City Newspaper

A letter was introduced from the Ottawa Herald signed by R. B. Wellington, Publisher, requesting that the Ottawa Herald be named the official city newspaper for the coming year. Commissioner Thompson made a motion that the Ottawa Herald, a daily publication, be named the official city newspaper for the ensuing year. The motion was seconded by Commissioner Heathman. Commissioner McCrea asked the city clerk if it were not more convenient to have a daily newspaper as the official city paper as opposed to a weekly newspaper. The city clerk answered that special considerations were given by statute for the use of a weekly newspaper as an official city paper,

but that it was more convenient from the city's standpoint to have a daily published paper for the official newspaper. Upon call for the question, all present voted in favor of the motion.

Assignment of Lease - H. D. Lee Company

Commissioner McCrea made a motion that an assignment of lease from the H. D. Lee Company, Inc. to the Lee Apparel Company, Inc. in conjunction with the Lee Company Industrial Revenue Bond issue be passed. The motion was seconded by Commissioner Thompson. It was discussed that the Lee Company has an Industrial Revenue Bond issue with the City of Ottawa, which matures in October 1984. The lease agreements between the City of Ottawa and the Lee Company stipulate that any assignment of lease must be approved by the city Governing Body, prior to the company changing names or in any other way re-organizing. The assignment of lease as presented to the Governing Body at this time has been approved by the city attorney. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage License Application

An application for cereal malt beverage license as submitted by Kathryn S. Benson for the Main Street Bait and Tackle Store, 429 S. Main, was presented. The application was for packaged sales only. It was explained by the city clerk that this application is in reality a transfer of license from a location at Wilson and Main to a location at Logan and Main, and that the transfer license had been approved by the city attorney. Commissioner Bemmels made a motion that the application for cereal malt beverage license as submitted by Kathryn S. Benson for the Main Street Bait and Tackle Store, 429 S. Main, packaged sales only, be approved. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Announcement of Public Hearing

Mayor Lister announced that a public hearing will be held at 9:35 a.m. May 18, 1983, concerning the proposed Industrial Revenue Bond issue for the Ottawa Retirement Village.

Proclamation - Historic Preservation Week

At the request of Mr. Ben Park and with the approval of the City Commission, Mayor Lister signed a proclamation proclaiming the week of May 8-14, 1983 as Historic Preservation Week.

Request of Mr. Leroy Hildebrandt

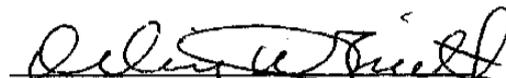
Mr. Leroy Hildebrandt, Route 3, Ottawa, Kansas, appeared before the City Commission stating that he had a letter dated June 17, 1981, signed by David Watkins, Interim City Manager, stating that he would no longer be allowed to participate in the housing rehabilitation program, either as a contractor or worker with another general contractor. Mr. Hildebrandt then stated that in subsequent conversations with Mr. Watkins, he had been informed that the City Commission would consider allowing Mr. Hildebrandt to participate in the Community Development Block Grant housing rehabilitation program if Mr. Hildebrandt would submit references pertaining to work he had done since he last participated in the housing rehabilitation program. Mr. Hildebrandt stated that he objected to being required to submit references in that he had much work in and around Ottawa in what he felt was a satisfactory manner. Mr. Hildebrandt further stated that he had conferred with attorneys concerning the letter and his disbarment from participation in the program, and informed that the letter could be worth a million dollars.

Mayor Lister informed Mr. Hildebrandt that the City Commission would give further consideration to the subject and he would be informed of their decision.

Comments of Mayor Lister

Mayor Lister went on record as complimenting the Ottawa Retail Association for the sale event which was held in the Central Business District on April 30, 1983. Mayor Lister said she had received some very constructive remarks from the merchants in the downtown area and even though there may be problems getting into the stores due to the construction, with everyone's cooperation this summer, the inconvenience can be overcome.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - May 18, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Heathman, McCrea, Bemmels and Thompson. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held May 4, 1983, were approved as written.

Ordinance No. 2732-83 - Repealing Ordinance No. 2730-83

Mayor Lister announced that the next four items would be a house cleaning exercise in that the ordinances passed annexing the tract of land and rezoning the tract of land on which the Ottawa Retirement Village is to be located were incorrect as the legal descriptions contained therein were erroneous. Commissioner McCrea made a motion that an ordinance repealing Ordinance No. 2730-83 pertaining to annexation be passed. The motion was seconded by Commissioner Heathman. Ordinance No. 2730-83 which annexed the tract of land on which the Ottawa Retirement Village is to be located was in error as the legal description of the tract was not correct. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2733-83 - Annexation

Commissioner Bemmels made a motion that an ordinance annexing a tract of land to the City of Ottawa on which the Ottawa Retirement Village is to be located be passed. The motion was seconded by Commissioner McCrea. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2734-83 - Repealing Ordinance No. 2731-83

Commissioner Thompson made a motion that an ordinance repealing Ordinance No. 2731-83 pertaining to zoning be passed. The motion was seconded by Commissioner Heathman. On call for the question, all present voted in favor of the motion.

Ordinance No. 2735-83 - Zoning

Commissioner McCrea made a motion that an ordinance rezoning the tract of land on which the Ottawa Retirement Village is to be located from R-S (Residential Suburban) to PUD (Planned Unit Development) be passed. The motion was seconded by Commissioner Bemmels, and all present voted in favor of the motion.

Public Hearing - Issuance of Industrial Revenue Bonds

Mayor Lister announced that a public hearing to consider the issuance of Industrial Revenue Bonds in the amount of \$1,850,000 for the Ottawa Retirement Village is now open for discussion. Mayor Lister stated that anyone who wished to ask questions concerning the intended issue of the Industrial Revenue Bonds could do so at this time. There being no discussion from those in attendance or the City Commission, Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Thompson. All present voted in favor of the motion.

Appointments to Boards and Commissions of the City

Mayor Lister stated that at this time she would name the appointees to the boards and commissions of the city, and then ask the City Commission for approval of the appointments. Her appointments were as follows:

Library Board (four year terms) - Mr. Ron Reusch
Ms. Nelle Parker

City Planning Commission (three year terms) - Mr. Clarence Koch
Mr. Fred Searls
Mr. Doug Underwood

Auditorium Authority (three year term) - Mr. Michael Cornwell

Board of Zoning Appeals (three year term) - Mr. Keith Gaeddert

Board of Plumber Examiners (one year terms) - Mr. Raymond Carey
(Master Plumber)
Mr. Earl Sommer
(Journeyman Plumber)
Mr. Gary Dixon
(Gasfitter)

Franklin City/County Planning Commission (one year term) -
Mr. James Grogan

Board of Electrical Examiners (filling unexpired term of Jim
Bass who resigned, one year remaining in this term) - Mr. Bob
Wiggins (Master Electrician)

Board of Contractor Examiners (one year terms) - Mr. Russ Anderson
Mr. Earl Devore
Mr. Mike Newmaster

Band Committee, which has been asked to serve for one year to
oversee the summer band concerts - Mr. Loren Matthews
Mr. Jim Chandler
Mr. Walt Butler
Mr. Bob Green

City of Ottawa representatives to the Kansas Municipal Energy
Agency Board of Directors (The bylaws of said agency state
that the mayor an an appointment of the mayor will serve for
a term of one year and another appointment to be made by the
city commission for a term of three years). Mayor Lister
announced that she would serve as mayor of the city on the
KMEA Board of Directors and Mr. George L. Marstall would be
appointed for a term of three years to serve on the KMEA
Board of Directors.

This concluding the appointments, Mayor Lister asked for a motion to
approve the appointments. Jerry Thompson made a motion that the
appointments as stated by the mayor be approved. As Commissioner
Thompson was attempting to make his motion, he was interrupted from
the floor by Mrs. Nadine Gremminger, who stated that they wished to
discuss the matter before any such appointments were made. Mr. Thompson
explained to Mrs. Gremminger that the motion must be made and seconded
before discussion may be entertained. Mrs. Gremminger continued her
insistence that the item be discussed and Mayor Lister called the
meeting to order, stating that the item would be open for discussion
as soon as the proper motion and second had been made. Mr. Thompson
then proceeded to make his motin that all appointments as stated by
Mayor Lister be confirmed by the City Commission. The motion was
seconded by Commissioner McCrea. Mayor Lister then stated that the
item was open for discussion for any who wished to discuss the matter.

Mr. L. B. Paine, 317 S. Maple, appeared before the City Commission
stating that he wished to report an incident that happened to him at
the last public meeting before the primary election. Mr. Paine stated
that he was leaving the meeting after much heated discussion within
the meeting and he was approached by Mr. Marstall and Mr. Marstall
told him that he had embarrassed him before the mic and that he would
get him but good, and I will make you pay for all the trouble you have
caused me. Mr. Paine further stated that he had witnesses to this
incident. Commissioner Heathman asked to hear from the witnesses.

Kathy McClay, 1047 Pine, appeared before the commission and stated that she was at this meeting and heard Mr. Marstall make the statement to Mr. Paine as Mr. Paine had related it to the City Commission. Ms. McClay also asked that the City Commission reconsider the appointment of Mr. Marstall to the KMEA Board of Directors.

Nadine Gremminger, Route 4, Ottawa, appeared before the City Commission and stated that she had a business in Ottawa and she did hear the threatening words of Mr. Marstall as they were spoken to Mr. Paine. Mrs. Gremminger further stated that Mr. Marstall was not well thought of in the community and the City Commission should reconsider his appointment to the KMEA Board of Directors. Mrs. Gremminger further stated that there were two people present in the commission chambers at this time, Mr. Baber and Mr. Hogelin, who she felt were well qualified to serve on the KMEA Board of Directors, and she again suggested that the City Commission reconsider the appointment of Mr. Marstall.

Mr. Al Mages, 521 S. Cherry, appeared before the commission and stated that he did not hear the remarks of Mr. Marstall, but he drove Mr. Paine home that night and it was very evident that Mr. Paine was 'shook up' and 'scared of Mr. Marstall.'

Mrs. Sue McFadden, 328 N. Cherry, stated that while Mr. Marstall was on the City Commission, she had the occasion to call Mr. Marstall about a serious complaint she had. Mrs. McFadden stated that Mr. Marstall told her that he would be glad to get out of office so he would not have to fool with people like her. Mrs. McFadden further stated that she did not want Mr. Marstall serving in any official capacity with the City of Ottawa.

Mr. John Mathias, 1021 N. Sycamore, stepped to the microphone and asked for a show of hands of those present in the audience that were not in favor of Mr. Marstall's appointment. The show of hands did indicate that those in attendance were not in favor of his appointment. Mayor Lister then stated that the show of hands was not called for by the City Commission.

Mr. Russell Baber, 333 Ash, stated that he had been asked to serve on the KMEA Board of Directors but that while he had served with the City of Ottawa as director of utilities, he had 'buted heads' with Mr. Mills so frequently that he finally resigned from his position, and he did not feel that he would want to serve on the KMEA Board of Directors. Mr. Baber, however, did recommend that Mr. Art Hogelin be appointed to serve on the board.

Commissioner Heathman then asked City Manager Watkins to explain why Mr. Gene Boyd removed his name from the petition protesting the downtown improvements. Mayor Lister interceded in the answering of this question, stating that she did not feel the answer to that question would be relevant to the present discussion. Mr. Heathman stated that the reason he wanted the question answered was that he wanted to show how Mr. Marstall really operated. The answer to this question was not allowed to proceed.

Commissioner McCrea went on record as stating that he had been thinking about this appointment for a couple of months, realizing how important it is that the City of Ottawa have a qualified person on the KMEA Board of Directors. He said the position probably would not be as time consuming as some of the other appointments that the City Commission made, but the city must have a qualified person in this position.

Mrs. Gremminger interrupted Mr. McCrea, asking why it was so important that Mr. Marstall be appointed. Mr. McCrea answered Mrs. Gremminger by stating that the person who fills this position must be knowledgeable of finance, municipal bonds and the transmission of electricity in order to understand the problems that confront the KMEA Board of Directors.

Mrs. Gremminger said that she understood that Mr. Marstall had been told by his company, Anchor Savings Association, that he must either get out of the Anchor Association or out of the affairs of the City of Ottawa.

Mrs. Wanda Durbin, 527 S. Locust, appeared before the City Commission stating that the people of Ottawa are wanting a change; that the taxpayers are disgusted.

Mayor Lister stated that she wished to give a little background of the Kansas Municipal Energy Agency. She stated that the KMEA is a power authority of some 30 Kansas cities that has been forming for the last three or four years, and the City of Ottawa is privileged to have been in the formation of the KMEA from its very beginning. She stated that Mr. Leonard Larson, as Mayor, served on the Board of Directors of the energy agency, Mayor Marstall served on the Board during his term of office, and Mayor Snyder appointed Mr. Marstall to serve in his stead on the Board of Directors. Mr. Jack Davis, Director of Utilities, has served on the Board and his term is expiring at this time. Mr. Marstall is being considered for appointment to fill this expiring term. Further, Mrs. Lister stated that Mr. Gil Hanson, Executive Director of the Kansas Municipal Energy Agency, had spent time with the new City Commissioners of the City of Ottawa, explaining the functions and operations of the Kansas Municipal Energy Agency.

Commissioner Bemmels stated that he being one of the newest City Commissioners had attended the study sessions of the City Commission for some time before he was elected and sworn into office himself, and he had given considerable study to the appointment to the KMEA Board of Directors. He stated that he has supported the nomination of George Marstall to this position.

Commissioner Thompson stated that prior to this morning's meeting he had received two phone calls only opposing the appointment of Mr. Marstall to this position.

Mr. Don Smith, 544 N. Sycamore, asked that the commission allow Mr. Heathman's question raised earlier in the meeting to be answered at this time. He said he thought the people of Ottawa had a right to know why Mr. Gene Boyd removed his name from the petition opposing the downtown improvement.

Mrs. Lister then allowed the city manager to proceed with the answer to the question.

The city manager stated that he and Mr. Marstall had talked to Mr. Boyd concerning the downtown improvements, presenting fact sheets and factual information concerning the project, and Mr. Boyd of his own accord had withdrawn his name from the protest petition. Mr. Watkins stated that there was no pressure of any type exerted on Mr. Boyd.

Mr. Al Mages suggested that a public hearing be held on the appointment of Mr. Marstall.

The discussion of this item having subsided, Commissioner Thompson called for the question. Commissioners McCrea, Thompson and Bemmels and Mayor Lister voted in favor of the motion. Commissioner Heathman voted opposing the motion.

It was announced by Mayor Lister that the agenda Item No. 4 concerning a resolution authorizing a notice of intent to issue bonds for the city's portion of a new wastewater treatment plant would be handled at a later date because the paperwork on this item was not complete at this time.

Engineering Agreement - Bucher, Willis & Ratliff

Commissioner McCrea made a motion that an engineering services agreement with Bucher, Willis & Ratliff of Kansas City, Missouri, for the design of a parallel taxiway at the Ottawa Municipal Airport be approved, inclusive of a preliminary survey and field survey only. The combined cost of these two items is \$3,619. The motion was seconded by Commissioner Bemmels.

Commissioner Heathman asked if the surveys as stated in Mr. McCrea's motion were completed, would there be any assurances that the city would receive the FAA grant monies to proceed with the project. Mr. Heathman was answered that the city had no such assurances but the risk of not being funded was not considered to be great. Upon call for the question, all present voted in favor of the motion except Commissioner Heathman, who voted opposing the motion.

Other Comments

Mrs. Freda Hughes, who operates a business in downtown Ottawa, stated that the daytime meetings of the Ottawa City Commission create a bad situation in that many people who would like to attend the meetings cannot do so in the daylight hours. She suggested that the city have evening meetings.

Mr. John Mathias stated that the people here today were appearing in support of Mr. Heathman.

Sue McFadden stated that a bad situation was developing across the street from her home. She said presently a land fill with old equipment and dirt hauled in and piled on the property exists.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - June 1, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Bemmels, McCrea, Heathman and Thompson. Absent: None.

Approval of Minutes

The minutes of May 18, 1983, meeting were amended to reflect that in reference to paragraph 6 on Page 46, where Mr. Baber stated that he had been asked to serve on the Kansas Municipal Energy Agency Board of Directors, it should be stated that the City Commission had not requested that Mr. Baber serve on this board. In addition, in the seventh paragraph on Page 47, in conjunction with the city manager's comments that Mr. Gene Boyd had not been coerced in any way to remove his name from the petition opposing the downtown improvements, it was reported that a letter had been received from Mr. Boyd stating that he had not been either encouraged or intimidated to remove his name from the petition against the project, but that Mr. Boyd had removed his name from the petition after studying the benefits this improvement would bring to the City of Ottawa and deciding to support the project. The balance of the minutes were approved as written.

Commissioner Bemmels stated that he had just attended a state seminar where the open meeting law for the State of Kansas was discussed. Commissioner Bemmels said that under the existing law, attendance and observation must be permitted but participation in meetings is not necessarily mandated by that law, even though this governing body does welcome participation in its meetings.

Resolution No. 361 - Making Findings as to Advisability of Improving the City's Sewer System and Intent to Issue Revenue Bonds in an Amount Not to Exceed \$1,000,000

Commissioner McCrea made a motion that a resolution making findings as to the advisability of improving the sewer system and sewage treatment system of the City of Ottawa and providing for the issuance of revenue bonds in an amount not to exceed \$1,000,000 to pay the cost thereof, be passed. The motion was seconded by Commissioner Bemmels.

Mayor Lister commented that the \$1,000,000 in revenue bonds which the resolution authorizes is for matching funds for an EPA grant for the sewage treatment plant and sewer system improvements. Mayor Lister then called on the city manager to comment on this subject.

The city manager stated that the city had received a grant of approximately \$2,600,000 from the Environmental Protection Agency (EPA) for the sewage treatment plant project. This is a 75-25% grant, with EPA paying 75% of the cost and the City of Ottawa paying 25% of the cost. The grant and the sewage treatment plant project are a culmination of several years in study and work by the city and other agencies. The Kansas Department of Health and Environment (KDHE) is handling the project for the EPA. The city must document its ability to pay the city's 25% share of the total project cost before KDHE will certify the grant to the city. City Manager Watkins further stated that the sewer user fees will have to increase \$1.00 to \$2.00 per user per month to pay the cost of the interest and principal on the bond issue. Mr. Watkins said for estimation purposes, he would prefer to use the \$2.00 per month per user rate and hope the cost might prove to be lower.

Commissioner Thompson commented that if the city does not get the project underway in 1983, then in 1984 and after the EPA grants will be 55-45%, with EPA paying 55% and the city paying 45% of the cost. Upon call for the question, all present voted in favor of the motion.

Charter Ordinance No. 7

Commissioner Bemmels made a motion that a charter ordinance exempting the city from provisions of KSA 12-261 to allow general obligation bond financing for the wastewater treatment plant and collector system improvements be passed. The motion was seconded by Commissioner Thompson.

Commissioner McCrea explained that the charter ordinance would be a vehicle by which the city could finance its portion of the sewage treatment plant and collector system improvements by the issuance of general obligation bonds. The purpose of the issuance of the general obligation bonds as opposed to the issuance of revenue bonds is that the general obligation bonds would have a lower interest rate and thus be cheaper to finance for the citizens of the city.

Mayor Lister stated that there would not be a mill levy to retire the general obligation bonds, but the bonds would be retired from user fees on the sewer system. Upon call for the question, all present voted in favor of the motion.

Resolution No. 362 - Authorizing Sale of General Obligation Bonds

Commissioner Thompson made a motion that a resolution authorizing the public sale of \$427,910.77 principal amount of street and sewer improvement bonds, Series A 1983 of the City of Ottawa, Kansas, be approved. The motion was seconded by Commissioner McCrea.

Bids for the sale of the bonds are to be received at a special meeting of the City Commission at 3:00 p.m. on June 6, 1983. The improvement projects for which the bonds are being sold are Beech Street from Seventh to Seventh Street Terrace; Seventh Street Terrace from Beech to Twyman; Sycamore Street from Tenth to Eleventh; Spruce Street from K-68 to Fairway Drive; a portion of North Sycamore Street; Powhattan Street from Spruce to Hemlock; Thirteenth Street from Ash to Olive; and the Princeton Street Main Sewer which extends from east of Highway 59 west to the Santa Fe railroad tracks. Upon call for the question, all present voted in favor of the motion.

Airport Services Agreement

Mayor Lister announced that due to ill health, Mr. Ed Beck, the present operator of the Ottawa Municipal Airport, is not able to continue the airport operation and the city has made arrangements for Mr. Paul E. Martin to operate the airport for the next four months. Commissioner Bemmels made a motion that the contract for airport services between the City of Ottawa and Paul E. Martin for the period from June 1, 1983 through September 30, 1983, be approved. The motion was seconded by Commissioner Thompson. Upon call for the question, all present voted in favor of the motion.

Airport Fixed Base Operators Lease

Commissioner Bemmels made a motion that the fixed base operator agreement between the City of Ottawa and Paul E. Martin for a fixed base operation at the Ottawa Municipal Airport for the period from June 1, 1983 through September 30, 1983, be approved. The motion was seconded by Commissioner Thompson. Mayor Lister stated that the airport services agreement and fixed base operators agreement are the same contracts under which Mr. Beck was operating, except that the city will reimburse Mr. Martin in the amount of \$125.00 per month for electric consumption. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2736-83 - Underground Dwellings

Commissioner Thompson made a motion that an ordinance amending and modifying Ordinance 2713-82 to set forth regulations pertaining to underground dwellings by specifically amending Article III, Section 2, with the addition of a new definition as Paragraph 25a, and Article

XXVI, with the addition of a new Section 5, be passed. The motion was seconded by Commissioner McCrea. Mayor Lister commented that the new ordinance will prohibit the construction of and use of basement homes in the City of Ottawa. Commissioner Thompson stated that under the terms of this ordinance, true underground dwellings will be permitted but the plans and specifications for underground homes must be drawn and approved by a construction engineer. It was the consensus of the City Commission that with the present concern for energy conservation, properly constructed underground homes should be permitted in the city. Upon call for the question, all present voted in favor of the motion.

Windmills for Electricity Production

Commissioner McCrea stated that in order to permit discussion of the subject, he would make a motion that an ordinance amending and modifying Ordinance No. 2713-82 to restrict the height of windmills by specifically amending Article XXVI, Section 1, with the addition of a new Paragraph 2, be passed. The motion was seconded by Commissioner Heathman.

Commissioner McCrea then stated that he did not want to see the ordinance passed as he thought it would be infringing on a person's ingenuity and resourcefulness to restrict electric generating windmills as set forth in the proposed ordinance. The ordinance would restrict the height of windmills in residential areas to 35 feet and thus virtually prohibit their construction. Commissioner Bemmels stated that he had recently read an article on electric generating windmills and he feels that they should be permitted in some manner within the City of Ottawa. Commissioner Bemmels further stated that he had seen two such windmills in use--one in the city of Hays, and he did not feel that they were objectionable or a detriment to the aesthetics of a residential area. Upon call for the question, Commissioners McCrea, Bemmels, Heathman and Lister voted no and Commissioner Thompson voted yes.

City Investment Schedule

Commissioner McCrea made a motion that the city Investment Schedule as of May 31, 1983, be approved, stating that as of that date the city had \$5,535,000 invested at an average interest rate of 8.35%. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Appointment to Band Committee

Mayor Lister stated that she was appointing Mr. Clark Havenor to the City Band Committee, upon approval of the City Commission. The appointment is for a one year term. Commissioner Bemmels made a motion that Mr. Clark Havenor be appointed to the City Band Committee for a one year term. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Acceptance of Storm Drainage Improvements

Commissioner Thompson made a motion that the storm drainage improvements as constructed by the Frisbie Bridge, Inc. of Topeka, be approved and that final payment in the amount of \$5,254.04 be authorized. The motion was seconded by Commissioner McCrea. Mayor Lister commented that the work on Contract No. 3 Storm Drainage Improvements had been completed for some time with the exception of some seeding that could not be done until the weather permitted. It was further commented that the engineering firm of A. C. Kirkwood & Associates and the city staff had inspected and approved the work performed. Upon call for the question, all present voted in favor of the motion.

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF MAY 31, 1983

12-1	106346	Water	100,000	6/1/83	Fr. Sav.	8.00	
3-10	7461	Const.	100,000	6/9/83	K.S.B.	8.49	
3-10	7462	Const.	100,000	6/9/83	K.S.B.	8.49	
3-10	9212	R.S.	100,000	6/9/83	P.N.B.	8.38	
3-10	9213	E. Bond & I.	100,000	6/9/83	P.N.B.	8.38	
3-10	9214	Elec.	200,000	6/9/83	P.N.B.	8.38	
3-10	9215	Gen.	300,000	6/9/83	P.N.B.	8.38	
3-10	9216	Gen.	300,000	6/9/83	P.N.B.	8.38	
3-10	9217	Elec. Const.	100,000	6/9/83	P.N.B.	8.38	
3-24	0359	Elec.	100,000	6/23/83	P.N.B.	8.60	
3-24	37614	W. Bond Res.	100,000	6/23/83	F.N.B.	8.50	
3-24	7466	E. const.	400,000	6/23/83	K.S.B.	8.58	
2-17	0268	Gen.	300,000	8/11/83	P.N.B.	8.41	
2-17	0269	Elec. Bond Res.	500,000	8/11/83	P.N.B.	8.41	
3-1	8488	Aud.	15,000	8/30/83	K.S.B.	8.413	
4-7	9221	Water Bond Res.	100,000	7/7/83	P.N.B.	8.51	
4-7	9220	Water Bond Res.	100,000	7/7/83	P.N.B.	8.51	
4-28	7470	E. Bond Res.	100,000	7/28/83	K.S.B.	8.21	
4-28	7471	Gen.	100,000	7/28/83	K.S.B.	8.21	
4-28	7472	Sewer	100,000	7/28/83	K.S.B.	8.21	
4-28	7473	Sewer	100,000	7/28/83	K.S.B.	8.21	
4-28	7474	Water	100,000	7/28/83	K.S.B.	8.21	
4-28	7475	Elec.	300,000	7/28/83	K.S.B.	8.21	
4-28	0426	Elec.	100,000	7/28/83	K.S.B.	8.21	
4-28	0428	Water	100,000	7/28/83	P.N.B.	8.14	
4-28	0427	Elec.	100,000	7/28/83	P.N.B.	8.14	
5-5	37627	E. Bond & Int.	100,000	8/4/83	F.N.B.	8.27	
5-5	37628	Gen.	100,000	8/4/83	F.N.B.	8.27	
5-5	37629	Water	100,000	8/4/83	F.N.B.	8.27	
5-6	9981	Aud.	20,000	11/4/83	K.S.B.	8.429	
5-12	37631	Elec.	200,000	8/11/83	F.N.B.	8.07	
5-12	7478	Elec.	100,000	8/11/83	K.S.B.	8.10	
5-12	7479	Elec. Const.	100,000	8/11/83	K.S.B.	8.10	
5-12	470	Water R.E. S.	100,000	8/11/83	P.N.B.	8.12	
5-12	469	Elec.	100,000	8/11/83	P.N.B.	8.12	
5-26	498	Water	200,000	8/25/83	P.N.B.	8.63	
5-26	7485	Elec. Const.	100,000	8/25/83	K.S.B.	8.65	
5-26	7486	Elec. Const.	200,000	8/25/83	K.S.B.	8.65	
Total						5,535,000	Average
							8.35

Request of Bethany Chapel

Members of Bethany Chapel requested permission to use City Park on June 11, 1983, for the purpose of holding an ice cream social, and the request further stated that this activity would be open to the general public, with chapel members being responsible for area clean-up afterwards. The request was signed by Richard Jackson. Commissioner Bemmels made a motion that the request of Richard Jackson on behalf of Bethany Chapel be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Mayor Lister made a final comment that inasmuch as the growing season is upon us, persons should not throw grass into the city streets while mowing. She asked that mowing be done in such a way so the clippings are instead thrown back upon the lawn and the city's storm sewers will not become clogged by grass clippings washed there by stormwater drainage.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - June 6, 1983

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Lister and Commissioners Bemmels, Heathman, McCrea and Thompson. Absent: None.

Open Bids for Sale of General Obligation Bonds

Mayor Lister directed the city clerk to proceed with opening of bids for the sale of general obligation bonds in the amount of \$427,910.77. Bids received for the purchase of these bonds are as follows:

United Securities Inc., Wichita, KS - net interest cost \$223,960.58 - average interest rate 8.13541

United Missouri Bank of Kansas City, MO - net interest cost \$225,261.53 - average interest rate 8.18267

Stern Bros. & Co. of Kansas City, MO - net interest cost \$229,674.63 - average interest rate 8.34297

Zahner & Co. of Kansas City, MO - interest cost \$230,257.86 less a premium of \$57.86 for a net interest cost of \$230,400.00 - average interest rate 8.36932

Kansas State Bank of Ottawa, KS - net interest cost \$230,692.88 - average interest rate 8.37999

George K. Baum & Co. of Kansas City, MO - net interest cost \$230,829.69 - average interest rate 8.384932

The apparent low bidder being United Securities, Inc. of Wichita, the mayor directed the city clerk to check the bid for accuracy and to report back to the City Commission.

Ordinance No. 2737-83

Commissioner Thompson made a motion that an ordinance repealing Ordinance No. 2733-83 be passed. The motion was seconded by Commissioner Heathman. It was explained that Ordinance No. 2733-83 annexing a tract of land to the City of Ottawa contained an erroneous legal description and must be repealed with a corrected ordinance passed replacing it. On call for the question, all present voted in favor of the motion.

Ordinance No. 2738-83 - Annexation

Commissioner Bemmels made a motion that an ordinance annexing a tract of land commencing at the northeast corner of the northwest quarter of the northwest quarter of Section 11, Township 17S, Range 19E, thence south 660'; thence west 330'; thence north 660'; thence east 330' to the place of beginning containing five acres in Franklin County, Kansas be annexed to the City of Ottawa, Kansas, in conformity with the provisions of KSA 12-520. The motion was seconded by Commissioner Thompson and upon call for the question, all present voted in favor of the motion.

Ordinance No. 2739-83

Commissioner McCrea made a motion that an ordinance repealing Ordinance No. 2735-83 be passed. The motion was seconded by Commissioner Thompson. It was explained that Ordinance No. 2735-83 which dealt with rezoning of a tract of land, contained an erroneous legal description. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2740-83 - Zoning

Commissioner McCrea made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting a certain tract and area within the city, and amending the amended zoning map attached to and made a part of Ordinance No. 2713-82 of the City of Ottawa, Kansas, and repealing certain parts

of said amended zoning map of said city, by rezoning a tract of land commencing at the northeast corner of the northwest quarter of the northwest quarter of Section 11, Township 17S, Range 19E, thence south 660'; thence west 330'; thence north 660'; thence east 330' to the place of beginning containing five acres in the City of Ottawa, Franklin County, Kansas, from R-S (Residential Suburban) to PUD (Planned Unit Development), be passed. The motion was seconded by Commissioner Bemmels and upon call for the question, all present voted in favor of the motion.

Mayor recessed the meeting at 3:25 p.m. to allow the city clerk the time necessary to check the bid of United Securities, Inc. The meeting was to resume again at 3:45 p.m.

Mayor Lister called the meeting to order at 3:45 p.m., and asked for the city clerk to comment on the bid of United Securities, Inc. The city clerk reported that the bid of United Securities, Inc. for the purchase of the general obligation bonds had been checked and the interest calculations were found to be correct.

Commissioner Thompson made a motion that the bid of United Securities, Inc. of Wichita, Kansas, for the purchase of general obligation bonds in the amount of \$427,910.77 at a net interest cost to the city of \$223,960.58, with an average interest rate of 8.13541, be accepted. The motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

Ordinance No. 2741-83 - Sale of General Obligation Bonds

Commissioner McCrea made a motion that an ordinance authorizing the issuance and delivery of \$427,910.77 principal amount of street and sewer improvement bonds Series A 1983 of the City of Ottawa, Kansas, at an average annual interest rate of 8.13541 to United Securities, Inc. of Wichita, Kansas, be passed. The purpose of the bond issue is to provide funds to pay the cost of certain improvements prescribing the form and details of said bonds and providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due. The motion was seconded by Commissioner Bemmels, and upon call for the question, all present voted in favor of the motion.

The business for which this meeting had been called having been completed, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - June 15, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Thompson and McCrea. Absent: Commissioners Heathman and Bemmels.

Approval of Minutes

The minutes of the last regular meeting held June 1, 1983, and of the special meeting held June 6, 1983, were approved as written.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on June 7, 1983. Present: Chairman Koch and Members Spears, Wellington, Thornburg, Underwood, Jackson and Searls. Absent: None.

The minutes of the last regular meeting held on May 3, 1983, were approved as written.

The Planning Commission held a public hearing to consider a petition for rezoning submitted by Mr. Paul Gaynor for a tract of land located on West Nineteenth Street. Mr. Gaynor had requested that his property presently zoned R-S (Residential Suburban) be changed to C-1 (Neighborhood Commercial). The staff report prepared by Myles Schachter, the city's planning consultant, recommended to the Planning Commission that they delay action on this request until the Southwest Neighborhood Land Use Plan is developed. Mr. Gaynor strongly encouraged the Planning Commission to take action on his request prior to the completion of this study, and inferred that he would be resubmitting a petition to consider rezoning this to C-2 (General Commercial) in order to give him more flexibility in the location of uses on his property.

The Planning Commission approved by a 7-0 vote a developmental goals and objectives plan for future land use planning within the City of Ottawa. This report is forwarded to the City Commission for its approval and will then be used by the Planning Commission for planning purposes as well as to be used in evaluating zoning requests.

The Planning Commission reviewed the Six-Year Capital Improvements Program and called a public hearing for the July meeting to consider proposed projects during this period.

The Planning Commission reorganized in the following fashion: Chairman - John Thornburg; Vice-Chairman - Fred Searls; Secretary/Treasurer - Dave Watkins.

There being no further business, the meeting was adjourned.

Commissioner Thompson made a motion that the report of the Planning Commission be accepted and entered into the official city record. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Resolution No. 363 - Enterprise Zone

Commissioner McCrea made a motion that a resolution declaring an area in the City of Ottawa, Kansas, be designated as an Enterprise Zone, as authorized by K.S.A. 12-17109 et. seq. as amended, be passed. The motion was seconded by Commissioner Thompson. It was reported that the areas to be designated as an Enterprise Zone under the current resolution consist of approximately 283.5 acres. The total allowable for Enterprise Zone designation in the City of Ottawa, is 900.4 acres. By not designating the maximum number of acres at this time, it would allow the City Commission to designate other areas to be included in the Enterprise Zone at a later date. An area being designated an Enterprise Zone gives certain economic advantages to industrial development within same. The city manager pointed out that under the present resolution, there are nine areas designated in the Enterprise Zone, as follows: the Industrial Park, the Havens Steel area, the Our Own Hardware area, the Gulf Western area, the tract of land upon which Parmalee Products is located, the area occupied by the National Sign Company, the Central Business District, the area in which the H. D. Lee Co. is located, and the area upon which Skyhook, Inc. is located. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2742-83 - Authorizing Issuance of Industrial Revenue Bonds

Commissioner Thompson made a motion that an ordinance authorizing the City of Ottawa, Kansas, to issue Industrial Revenue Bonds Series A 1983 (Ottawa Retirement Village, Inc.) in the aggregate amount of \$1,850,000 for the purpose of purchasing, acquiring, constructing and equipping a commercial project, authorizing execution of a trust indenture by and between the city and the Southwest National Bank of Wichita, Wichita, Kansas, as Trustee, authorizing the city to lease said project to the Ottawa Retirement Village Inc., and authorizing execution of a lease between said city and the Ottawa Retirement Village, Inc, be passed. The motion was seconded by Commissioner McCrea. It was discussed that all preparatory steps have been taken and all of the city's prerequisites have been fulfilled prior to and preparatory to issuing the Industrial Revenue Bonds for the Ottawa Retirement Village, Inc. Upon call for the question, all present voted in favor of the motion.

Resolution No. 364 - Intent to Issue Industrial Revenue Bonds

Commissioner McCrea made a motion that a resolution of intent to issue \$800,000 in Industrial Revenue Bonds to an entity owned by Robert L. Cox and Bob M. Miles for the purchase and modification of the O.I.D. speculation building be passed. The motion was seconded by Commissioner Thompson. It was reported that the prospective purchaser for the O.I.D. speculation building is Rolox Industries, which will manufacture and distribute combination storm windows from that location. Commissioner Thompson remarked that this would also provide 15 to 25 new jobs in the City of Ottawa. Upon call for the question, all present voted in favor of the motion.

Request of the Ottawa Jaycees

Mr. Dan Cope, representing the Ottawa Jaycees, appeared before the City Commission requesting permission for the Jaycees to hold their annual Chautauqua days celebration in Forest Park on Monday, July 4, 1983. Mr. Cope stated that the format of the entertainment would be the same as in the past, including childrens races, frog and turtle races, carnival games, square dancing, fireworks display and a softball tournament. Mr. Cope stated that as in the past, the Jaycees would provide bodily injury and property damage liability in the amount of \$500,000, with the city as a named insured. Commissioner McCrea made a motion that the Jaycees request to hold their annual Chautauqua days celebration in Forest Park on Monday, July 4, 1983, be approved and also the amount of limit stated for the insurance protection be found acceptable. The motion was seconded by Commissioner Thompson, and all present voted in favor of the motion.

Agreement with Douglas County Citizens Committee on Alcohol Counseling and Resource Center

Commissioner Thompson made a motion that an agreement between the Douglas County Citizens Committee on Alcohol Counseling and Resource Center (DCCCA) and the City of Ottawa for the provision of alcohol and drug evaluation services be approved. The city manager explained that under the state's regulations concerning driving while intoxicated, first offenders in lieu of serving jail sentences may make diversionary agreements whereby they attend an alcohol counseling center. When the diversionary agreements are approved by the court, the defendant must pay to the court the amount of \$85.00, which is used to support the counseling centers. Under new Kansas legislation, the local municipal court will retain the \$85.00 and pay 90% of that amount to a certified counseling center. Ten percent may be retained by the court for administrative expenses. The agreement which is being considered by the City Commission at this time is to pay the DCCCA Counseling and Resource Center the 90% of the fees collected for counseling services. Upon call for the question, all present voted in favor of the motion.

Resolution No. 365 - Funding Agreement with U. S. Department of Housing and Urban Development

Commissioner Thompson made a motion that a resolution authorizing the city manager to execute a funding agreement with the U. S. Department of Housing and Urban Development in the amount of \$480,000 for storm drainage improvements in the city's FY 1983 Community Development Block Grant program, be passed. The motion was seconded by Commissioner McCrea. In discussion it was pointed out that this grant represents the final phase of a four to five year project designed to provide adequate drainage to move stormwater through the city and into the Marias des Cygnes River. Upon call for the question, all present voted in favor of the motion.

Contract - Meadows Construction Company

Commissioner McCrea made a motion that a contract between the City of Ottawa and the Meadows Construction Company of Tonganoxie, Kansas, necessitated for water utility relocation in conjunction with the North Main widening project between Wilson and Dundee be approved. It was explained that the city water crews have been unable to move the water mains in this area due to the relocation of water mains on west Seventh Street in preparation of the Seventh Street renovation and the relocation and renewal of the water lines in the downtown business district. The Meadows Construction Company is the general contractor on the Central Business District improvements and the city has been successful in negotiating a contract with the Meadows Construction Company for the relocation of the water lines on North Main Street. Upon call for the question, all present voted in favor of the motion.

Resolution No. 366 - Cemetery Rates

Mayor Lister announced that the City Commission would not consider resolution No. 366 concerning cemetery rates at this time as the possibility of a mill levy to help underwrite cemetery expenses as well as additional fees for those from outside the city who use the cemetery might be considered.

Ordinance No. 3743-83 - Authorizing Acquisition of Property

Commissioner Thompson made a motion that an ordinance authorizing and providing for the acquisition of property for the purpose of making improvements in the sewer system and sewage treatment system in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner McCrea. It was explained that it is necessary to condemn certain lands in the vicinity of the present sewage disposal plant for the purpose of modifying and erecting a new sewage disposal system. This ordinance is a step in the direction of condemning and purchasing those properties. Upon call for the question, all present voted in favor of the motion.

Resolution No. 367 - Condemnation of Property

Commissioner McCrea made a motion that a resolution ordering condemnation of certain property to comply with with improvement of the sewer system and sewage treatment system of the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Thompson. It was explained that this resolution is a companion to the foregoing ordinance, both of which are necessary to condemn the property necessary for constructing and modifying the sewage disposal system. It was further explained that all properties being condemned are vacant, except one site which is being used as a salvage yard. Upon call for the question, all present voted in favor of the motion.

Request for Ice Melt Promotion

Mr. Gary Bateman, representing Radio Station KOFO, requested permission of the City Commission to run an ice melt promotion on the sidewalk in front of Price Appliance at 128 S. Main on June 23, 1983. The promotion would be a guessing contest as to how long or at what point in time a 4' by 4' block of ice placed on the sidewalk would be melted. The request stated that they do wish to remain flexible on the date because if the downtown improvement project would be underway in that block at that time, they would have to reschedule the promotion. The block of ice will obstruct about 75% of the sidewalk in front of Price Appliance, but it should still leave plenty of room for pedestrians to pass by. Commissioner Thompson made a motion that the city grant a request from KOFO to stage an ice melt promotion at 128 S. Main on or about June 23, 1983. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request of Theatre on a Shoestring

The Theatre on a Shoestring group submitted a written request to the City Commission for permission to sell refreshments in City Park during and after the city band concerts this summer. Commissioner McCrea made a motion that the Theatre on a Shoestring be permitted to sell refreshments during and after band concerts in City Park this summer. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Request for Auction and Carnival

The Franklin County Cystic Fibrosis Association requested permission to use City Park on July 16, 1983, from 11:00 a.m. to 5:00 p.m. for an auction and carnival. It is

planned that there will be an auction of donated items along with concessions and amusements. The letter setting forth the request stated that the National Cystic Fibrosis Foundation holds a \$100,000 blanket liability insurance policy on such events. Commissioner Thompson made a motion that the Franklin County Cystic Fibrosis Association be permitted to hold a carnival and auction in City Park on July 16, 1983, from 11:00 a.m. to 5:00 p.m., and that liability insurance in the amount of \$500,000 be provided. It has been the policy of the City Commission to impose such a requirement for the provision of insurance coverage in this amount of all organizations holding similar activities on city property. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Proclamation - Ottawa Industrial Appreciation Week

With approval of the City Commission Mayor Lister proclaimed the week of June 12-18, 1983, as Kansas Industrial Appreciation Week. Commissioner McCrea made a motion that the proclamation be approved. The motion was seconded by Commissioner Thompson and upon call for the question all present voted in favor of the motion.

Announcements

Mayor Lister announced that the Governing Body will be attending an institute for city commissioners and city councilmen on June 29 and 30. Mayor Lister announced that there were seventy households assisted this past winter by the City of Ottawa's utility assistance program. Further, Mayor Lister stated that inasmuch as there are still funds remaining, a utility assistance program will be offered this coming winter.

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - June 27, 1983

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Lister and Commissioners Heathman, Thompson, Bemmels and McCrea. Absent: None.

Mayor Lister announced that the purpose of this meeting was to hold a public hearing to gather public input concerning a proposed application to the U. S. Department of Housing and Urban Development for FY 1983 Jobs Bill funds. The Jobs Bill monies will be administered through the Small Cities Community Development Block Grant program, and must be used to create new jobs in order to stimulate local economy. Mayor Lister called on City Manager, David Watkins, to comment on the subject.

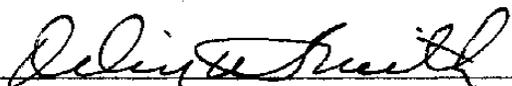
The city manager stated that there is a total of \$2,990,000 available to Kansas cities outside of the metropolitan areas for FY 1983 Jobs Bill funds. This money is available to all cities in Kansas except for Topeka, Wichita, Kansas City and Lawrence. The maximum grant amount for a single city is \$300,000. Applications for these monies will be accepted until 4:30 p.m. July 11, 1983. The Jobs Bill funds are to be used to maximize the immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks immediately preceding March 24, 1983. Jobs Bill funds must be obligated and disbursed as rapidly as possible in order to quickly assist the unemployed and needy. Applications for the Jobs Bill funds must be for an eligible activity and meet one or more of the national objectives: benefit low- and moderate-income persons, aid in the prevention or elimination of slum and blight, or treat other community development needs having a particular urgency. A rating system will be set up for the applications on a point system using established criteria. The rating process will be directed toward the selection of activities which can be implemented as rapidly as possible to quickly assist the unemployed and the needy, activities which are likely to maximize the creation of employment opportunities particularly for those unemployed individuals mentioned earlier, activities which could not otherwise be accomplished without this assistance, activities with employment opportunities which can provide in a manner that job opportunities will be made available to minorities and women in proper proportion to their need in order to give special consideration to the disproportionately severe effect of unemployment on minorities and women. Projects will be selected on a competitive basis.

Mayor Lister then asked if there were any comments from the commissioners. There being none, comments from those in attendance were solicited.

Mr. Richard Jackson, Director of ECKAN, asked how soon the funds must be spent and it was not known at this time if there was a deadline concerning expenditure of these funds. Mr. Jackson suggested that funds might be used to pay a person to work in the fair housing area and in the New Horizons Fair Housing program. Mr. Jackson further suggested that possibly the funds could be used to rehabilitate substandard homes which would subsidize the city's Community Development Block Grant program presently in progress.

There being no further discussion, Commissioner McCrea made a motion that the hearing be closed. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

The purpose of the special meeting being called having been completed, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - July 6, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Heathman, Thompson, Bemmels and McCrea. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held June 15, 1983, were amended to reflect that on Page 57, under the heading Contract - Meadows Construction Co., Mr. Thompson seconded the motion made by Mr. McCrea, and under the heading of Request for Ice Melt Promotion, in the fifth line it should state that the request stated that they do wish to remain flexible on that date. The balance of the minutes were approved. The minutes of the special meeting held June 27, 1983, were approved as written.

Report of Planning Commission

The City Planning Commission met in regular session at 7:00 p.m. on July 5, 1983. Present: Chairman Thornburg and Members Searls, Jackson, Koch, Wellington and Underwood. Absent: Member Spears.

The minutes of the last regular meeting held on June 7, 1983, were approved as written.

The Planning Commission held a public hearing to consider amending the Wal-Mart Planned Unit Development final plan to increase the size of the major tenant building to 65,753 square feet. Tom McCloud of Wal-Mart Stores, Inc. was in attendance to explain the Wal-Mart proposal and to indicate that it is the intention of the Wal-Mart company to develop only the anchor store in the Planned Unit Development. They anticipate that in the future other developers will complete the commercial area in accordance with the overall development plan. Monty Fritz of Monty's Broasted Chicken located at 2304 Princeton Rd., was also in attendance to ask the Planning Commission to consider the increased drainage problems that will be created by this development. This issue was acknowledged by the Planning Commission as a consideration for the design phase of the proposed Wal-Mart store and surrounding development. In accordance with Planning Commission bylaws, the public hearing was continued to the next meeting of the Planning Commission.

The Planning Commission continued a public hearing on the request submitted by Paul Gaynor to rezone a tract of land generally located at 410 West Nineteenth Street from R-S (Residential Suburban) to C-1 (Neighborhood Commercial). After discussion, the Planning Commission determined that a decision should be made after a more thorough evaluation of the entire Southwest Neighborhood Plan has been completed. The Planning Commission decided by a 6-0 vote to table the zoning request.

The Planning Commission held a public hearing to consider the adoption of an updated Six-Year Capital Improvements Program and approved that plan by a 6-0 vote. This report is forwarded to the City Commission for its approval.

The Planning Commission continued its discussion of the Southwest Neighborhood Land Use Plan. Myles Schachter gave an overview of the process for the development of this land use plan, and presented to the Planning Commission a report on the existing conditions of the area. This report included an examination of a land use inventory, environmental characteristics of the area and a discussion of population projections for the City of Ottawa and the effects of this projection on the Southwest Neighborhood area.

There being no further business, the meeting was adjourned.

Mr. McCrea made a motion that the report of the Planning Commission be accepted and entered into the official record of the city. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

City Investment Schedule

Commissioner Bemmels made a motion that the City Investment Schedule as of June 30, 1983, be accepted, stating that as of that date the city had a total of \$5,235,000 invested at an average interest rate of 8.54 percent. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution No. 366 - Fees for Cemetery Services

Commissioner McCrea made a motion that a resolution establishing rates for city owned cemeteries be passed and that rates and fees for cemetery services be as follows: burial spaces (each) - \$225.00; burial spaces for babies under age one year - \$25.00; opening and closing of an adult grave - \$175.00; burial of cremated remains - \$50.00; burial of babies under one year of age - \$25.00; and a fee of \$100.00 be charged for opening and closing graves on Saturdays. The motion was seconded by Commissioner Bemmels. Mayor Lister commented that the City Commission had been discussing the need for rate increases at the city cemeteries for some time and even at the establishment of these rates, the cemetery would be in a deficit position at the year's end, and the city must find a source of funds to offset this deficit. In the past, Revenue Sharing monies have been used for the operation of the cemeteries. Commissioner Thompson remarked that the cemeteries will suffer a shortfall of revenues again next year and the city may have to enact a mill levy to help pay the cost of operating the cemeteries.

Mrs. Elaine Roberts asked if the new rates being put into effect were for Highland Cemetery or both city operated cemeteries. The response was that the rates affect both city operated cemeteries.

Upon call for the question, all present voted in favor of the motion except Commissioner Heathman, who voted opposing the motion.

Rescission of Mutual Aid & Assistance Agreement

Mayor Lister opened the discussion by stating that the city has had a mutual aid and assistance agreement with the City of Atchison, which has been in force since 1951, and both cities are in agreement that this agreement should be rescinded inasmuch as there has never been a need for mutual aid or assistance between the two cities. Commissioner Bemmels made a motion that an agreement rescinding the mutual aid and assistance agreement with the City of Atchison, which was entered into on March 1, 1951, be approved. The motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

License Agreement with Atchison, Topeka & Santa Fe Railway Company

Commissioner Thompson made a motion that a pipeline license agreement with the Atchison, Topeka & Santa Fe Railway Company to allow construction of the proposed interceptor sewer improvement under the railroad's right of way be approved. The motion was seconded by Commissioner McCrea. It was discussed that the sewer interceptor to which the agreement makes reference is part of the city's new sewer improvements and the city will cross under the Santa Fe right of way in the vicinity of First and Walnut Streets. Upon call for the question, all present voted in favor of the motion.

Addendum to Agreement for Engineering Services

Commissioner Thompson made a motion that an addendum to an agreement with Cook, Flatt & Strobel for engineering services for the design of a proposed storm drainage system to expand the area to be included in serving the Cypress and Olive Street location, be passed. The fee for the addendum to the original agreement is \$3,400. The motion was seconded by Commissioner McCrea. It was stated that with the addendum to the original agreement in the amount of \$3,400, the fee for these engineering services is still less than the earlier bid submitted A. C. Kirkwood & Associates. Upon call for the question, all present voted in favor of the motion.

THE CITY OF OTTAWA

CITY HALL

913/242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF JUNE 30, 1983

4-7	9221	Water Bond Res.	100,000	7/7/83	P.N.B.	8.51	
4-7	9220	Water Bond Res.	100,000	7/7/83	P.N.B.	8.51	
4-28	7470	E. Bond Res.	100,000	7/28/83	K.S.B.	8.21	
4-28	7471	Gen.	100,000	7/28/83	K.S.B.	8.21	
4-28	7472	Sewer	100,000	7/28/83	K.S.B.	8.21	
4-28	7473	Sewer	100,000	7/28/83	K.S.B.	8.21	
4-28	7474	Water	100,000	7/28/83	K.S.B.	8.21	
4-28	7475	Elec.	300,000	7/28/83	K.S.B.	8.21	
4-28	0426	Elec.	100,000	7/28/83	P.N.B.	8.14	
4-28	0428	Water	100,000	7/28/83	P.N.B.	8.14	
4-28	0427	Elec.	100,000	7/28/83	P.N.B.	8.14	
5-5	37627	E. Bond & Int.	100,000	8/4/83	F.N.B.	8.27	
5-5	37628	Gen.	100,000	8/4/83	F.N.B.	8.27	
5-5	37629	Water	100,000	8/4/83	F.N.B.	8.27	
2-17	0268	Gen.	300,000	8/11/83	P.N.B.	8.41	
2-17	0269	Elec. Bond Res.	500,000	8/11/83	P.N.B.	8.41	
5-12	37631	Elec.	200,000	8/11/83	F.N.B.	8.07	
5-12	7478	Elec.	100,000	8/11/83	K.S.B.	8.10	
5-12	7479	Elec. Const.	100,000	8/11/83	K.S.B.	8.10	
5-12	470	Water R.E.S.	100,000	8/11/83	P.N.B.	8.12	
5-12	469	Elec.	100,000	8/11/83	P.N.B.	8.12	
5-26	498	Water	200,000	8/25/83	P.N.B.	8.63	
5-26	7485	Elec. Const.	100,000	8/25/83	K.S.B.	8.65	
5-26	7486	Elec. Const.	200,000	8/25/83	K.S.B.	8.65	
6-9	7491	Const.	100,000	9/8/83	K.S.B.	8.95	
6-9	7492	Const.	100,000	9/8/83	K.S.B.	8.95	
6-9	0525	R. S.	100,000	9/8/83	P.N.B.	8.96	
6-9	0526	Elec. B. & I.	100,000	9/8/83	P.N.B.	8.96	
6-9	0527	Elec.	200,000	9/8/83	P.N.B.	8.96	
6-9	0528	Gen.	300,000	9/8/83	P.N.B.	8.96	
6-9	0529	Elec.	100,000	9/8/83	P.N.B.	8.96	
6-23	0558	Elec.	100,000	9/22/83	P.N.B.	9.06	
6-23	37651	W. Bond Res.	100,000	9/22/83	F.N.B.	9.06	
6-23	7495	E. Const.	400,000	9/22/83	K.S.B.	9.05	
5-6	9981	Aud.	20,000	11/4/83	K.S.B.	8.429	
6-1	106346	Water	100,000	12/1/83	Fr. Sav.	9.4	
3-1	8488	Aud.	15,000	8/30/83	K.S.B.	8.413	
TOTAL						AVERAGE	8.54
						5,235,000	

Ordinance No. 2744-83 - Providing for Construction of Main Sewer

Commissioner Bemmels made a motion that an ordinance extending the southwest main sewer approximately 455 feet westward to provide service to the Ottawa Retirement Village Nursing Home and Apartment Complex, be approved. The motion was seconded by Commissioner Thompson. The developers of the Ottawa Retirement Village are to extend a lateral sewer from the southeast corner to the northeast corner of the Ottawa Retirement Village tract, and the city is to extend the main sewer to connect with this lateral. Upon call for the question, all present voted in favor of the motion.

Request of the Ottawa Retail Association

Mr. Lee Sheldon, Chairman of the Ottawa Retail Association, presented a request to the City Commission for permission to hold the annual summer sidewalk sale in the central business district on July 27, 1983, between the hours of 8:00 a.m. and 8:00 p.m. The request stated that due to the construction in the downtown area, the association is not requesting that any streets be closed for this event. The request further stated that any organizations wishing to place concession booths within the central business district would have to contact the individual business to use the sidewalks in the downtown area. Commissioner McCrea made a motion that the request of the Ottawa Retail Association be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Mayor Lister announced that the ice melt contest for which permission was granted in June had been rescheduled for July 15.

Mayor Lister also announced that there would be no band concert this evening as the concert that had been scheduled for July 6, was held instead on July 4.

It was also announced that the annual Revenue Sharing hearing will be held July 20, 1983, at 9:35 a.m. before the City Commission.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - July 20, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Heathman, Bemmels, Thompson and McCrea. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held July 6, 1983, were corrected as follows: Page 61 under the heading Resolution No. 366, the minutes should reflect that an additional fee of \$100.00 will be charged for opening and closing graves on Saturday, in addition to the regular \$175.00 burial charge; Page 62 under the heading Ordinance No. 2744-83, the text should state that the SW Main Sewer is to be extended approximately 455', terminating at the west city limits; Page 61 under the heading Addendum to Agreement for Engineering Services, the eighth line in the paragraph should state "is still less than an earlier bid submitted by A.C. Kirkwood & Associates." The balance of the minutes was approved as written.

Public Hearing - Suggestions for Expenditure of 1984 Revenue Sharing Funds

Mayor Lister opened the hearing by stating that all persons who wish will have an opportunity to speak to the City Commission concerning the expenditure of Revenue Sharing funds for 1984. It is calculated that the City of Ottawa will have \$172,907 in 1984 Revenue Sharing funds. Mayor Lister then called on David Watkins, City Manager, to present the staff proposal for the expenditure of Revenue Sharing funds.

The city manager stated that in the area of debt reduction, the city needs to spend \$50,000 in retiring no fund warrants which were issued to purchase a new fire truck in 1983. In the area of public works, it is proposed that the city purchase a one-half ton pickup for \$10,000, a 60 HP tractor for \$20,000, and make improvements in Forest Park consisting of partitions in the bathhouse at the swimming pool, refinish the tennis courts and paint the swimming pool for a total cost of \$13,500. The total proposed expenditure for public works is \$43,500. For the department of public safety it is proposed to spend \$20,070 for radio equipment and \$1,400 for a generator to provide power for the bay area in the event of power failure, making a total of \$21,470 for public safety. For the municipal auditorium, it is proposed to set aside \$10,000 for future capital improvements. For airport improvements, \$18,000 is proposed to match an FAA grant for capital improvements. For the Franklin County Humane Society an amount of \$7,000 is proposed. For the municipal airport operator, \$9,000 is proposed. For Kanza Park improvements, \$5,000 is proposed. The total proposed expenditure of Revenue Sharing funds is \$163,970.

Mrs. Nancy Pinet, representing the Ottawa Community Arts Council, requested \$7,200 for that organization, \$6,000 to be spent on rent and \$1,200 for utilities.

Mr. Charles Gillette, representing the Municipal Auditorium, requested \$12,000 for future capital improvements.

Mr. Gene Van Horn, representing the Franklin County Agricultural Society, requested \$13,000 for that organization to be used for improvements in the hog and sheep pens, to fence in the show arena, fence the west side of the rodeo grounds--also for screening purposes--and lights for the rodeo arena.

Mr. Mike Cruz, representing ECKAN, requested \$5,000 for that organization, \$2,000 to be used for their food program--to be matched with \$5,000 in donations through other community organizations--and \$3,000 to be used for their transportation program.

Mr. William Lozano, representing the Franklin County Historical Society, requested \$10,000 for that organization to continue with their program of repair and restoration of the Depot Museum by applying these funds to Phase II of the window replacement project on the first floor of the museum.

Mrs. Kathi Shannon, representing the Franklin County Energy Coalition, requested funds for the payment of utility bills for the coming winter. Mrs. Shannon stated that last year this coalition requested \$5,000 and this year they would like to receive \$2,000 or \$3,000 for that purpose.

The city manager then read a written request from COF, Inc., stating that they had received a grant in the amount of \$46,059 to replace vehicles they are presently using. COF, Inc. intends to purchase two 15 passenger vans and one station wagon. A condition of the grant is that COF, Inc. must provide twenty percent in matching funds, amounting to \$9,211.20. COF, Inc. requested the amount of \$9,211.20 in Revenue Sharing funds to assist in the purchase of these vehicles.

There being no further requests or suggestions to come before the City Commission, Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

It should be noted that the suggestions for expenditure of Revenue Sharing Funds as presented by the city manager on behalf of the city, was given as the final request in the hearing and not as the first request as might be indicated by these minutes.

Consideration of Amended Six Year Capital Improvements Program

Commissioner Bemmels made a motion that the Six Year Capital Improvements Program as amended and recommended by the Planning Commission be adopted. The motion was seconded by Commissioner Thompson. It was noted that the Planning Commission had spent many hours in studying and updating the capital improvements program. The purpose of the updating process is to keep capital improvements in a proper priority sequence and to help control the city's debt level. Upon call for the question, all present voted in favor of the motion.

Future Land Use Development Goals and Objectives Policy Statement

Commissioner Thompson made a motion that the Future Land Use Development Goals and Objectives Policy statement as recommended by the Planning Commission be adopted. The motion was seconded by Commissioner McCrea. Commissioner Bemmels stated that he wished to commend the Planning Commission on their development of this policy statement, which is devised to meet the future needs of this community. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2745-83 - Employee Benefits Contribution Fund

Commissioner McCrea made a motion that an ordinance establishing an employee benefits contribution fund in the City of Ottawa, Kansas, and repealing Ordinance No. 2583 be passed. The motion was seconded by Commissioner Bemmels. The city manager stated that the employee benefits contribution fund is being updated in keeping with new legislation concerning that fund, and also at the request of the Ottawa Library. The employee benefits which may be paid from this fund under the new ordinance are Social Security, Kansas Public Employees Retirement System, workmen's compensation, employment security unemployment compensation benefits and health, disability and life insurance benefits. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2746-83 - Authorizing Improvements to the City's Wastewater Treatment System

Commissioner Bemmels made a motion that an ordinance authorizing improvements to the city's wastewater treatment system and authorizing application to the State Board of Tax Appeals for temporary financing be passed. The motion was seconded by Commissioner Thompson. The city manager explained that it is necessary for the city to pass this ordinance authorizing the city to apply to the State Board of Tax Appeals for temporary financing for the improvement, before an Environmental Protection Agency grant can be officially awarded to the city for such improvements. Upon call for the question, all present voted in favor of the motion.

Request for Christmas Parade

Pat McCloud, representing the Christmas Parade Committee, asked that the City Commission give consideration to prohibiting parking in the 100, 200 and 300 blocks of South Main during the Christmas parade, which is scheduled for 10:00 a.m. December 3, 1983. Mrs. McCloud stated that in order to have the Shriners be in the parade and to perform, more space is needed, and parking on Main Street during the parade hampers crowd control and does not allow the space needed for the Shriners to perform. Mrs. McCloud further stated that if the City Commission did not wish to prohibit parking in all three blocks, possibly they could prohibit parking in the 200 block, which would allow at least one block in which the Shriners could perform. The City Commission took the request of the Christmas Parade Committee under advisement.

Comments

Commissioner McCrea noted that he was pleased that he did not see people mowing grass and allowing the grass to be discharged into the streets as has happened in so many previous summers. Further, Commissioner McCrea stated that he had seen many yard sale signs attached to utility poles by way of tacks and nails, and this practice creates a hazardous condition for the lineman who might have to climb the poles. Commissioner McCrea suggested that the regulation attaching signs to the poles in such a manner be enforced.

Mr. Larry Powell, Executive Director of the Greater Ottawa Chamber of Commerce, said he wished to commend the city water crew for the manner in which they have moved through the downtown area replacing the water mains with a minor amount of disruption to traffic and merchants, and that they have kept the areas extremely clean during this process.

Mayor Lister stated that she and Commissioners Thompson and Heathman had visited the Kansas City Board of Public Utilities' Nearman Plant this past Friday, and that the city is presently purchasing its base load of electricity from the Nearman Plant at a cost less than what the city could produce it for. By purchasing the base load from the Kansas City Board of Public Utilities' Nearman Plant, it is hoped that the cost of electricity may be kept lower for the citizens of the city.

There being no further business, the meeting was adjourned. The text of this meeting is on tape in the office of the city clerk with the exception of the first ten minutes of the meeting, which was not taped due to technical difficulties. The tape will be on file for one year from the date of this meeting.



Orlin W. Smith, City Clerk

City Hall - August 3, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Bemmels, Thompson, Heathman and McCrea. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held July 20, 1983, were corrected by expanding the topic of Future Land Use Development Goals and Objectives Policy Statement to include an outline of these objectives. Mayor Lister reported the various development goals, objectives and policies as set forth in that statement as follows:

General Development Goal

- Objective #1 - Control the location and subdivision design of new development in order to minimize initial and future public and private costs.
- Objective #2 - Restrict development to areas with few environmental hazards and minimize the loss of natural resources due to urbanization.
- Objective #3 - Consider design elements to assure that the character of the community is preserved or enhanced.

Agricultural Goal

- Objective #1 - Minimize conflicts between agricultural and urban land uses in those areas which are currently urbanizing or which are reasonably expected to become urban in the foreseeable future.
- Objective #2 - Discourage the premature subdivision and development of agricultural land for urban purposes in those areas which cannot reasonably be expected to become urban in the foreseeable future.

Housing Goal

- Objective #1 - Recognize and maintain or upgrade the particular residential character of existing areas.
- Objective #2 - Encourage the development of a wide range of housing choices.
- Objective #3 - Provide adequate amounts of multiple-family housing in suitable locations throughout the city.
- Objective #4 - Provide adequate opportunity for mobile home development in suitable locations.

Commercial Goal

- Objective #1 - Encourage the development of businesses downtown.
- Objective #2 - Provide areas away from downtown for commercial development.
- Objective #3 - Provide neighborhood convenience shopping adjacent to residential areas but discourage "spot commercial" zoning.
- Objective #4 - Assure the provision of adequate pedestrian and vehicular access and parking at all commercial and employment centers.

Industrial Goal

- Objective #1 - Industrial development shall be located so as to maximize efficient usage of the public and semi-public facilities necessary for this type of development.
- Objective #2 - Industrial development shall be located so as to minimize the negative impact on the environment and on other less intensive uses, as well as minimize the costs of development.

Parks and Recreation Goal

- Objective #1 - Provide adequate parks and recreational facilities on both the neighborhood and community levels.
- Objective #2 - Provide a wide range of recreational opportunities.
- Objective #3 - Preserve and enhance areas of natural scenic beauty.

Public and Semi-Public Goal

- Objective #1 - Encourage the location of public and semi-public facilities in a manner consistent with the sector of the community which they are intended to serve.
- Objective #2 - Require public and semi-public uses to be developed in a manner which does not detract from surrounding uses.

The balance of the minutes were approved as written.

Report of Planning Commission Meeting

Mayor Lister called on City Manager, David Watkins to read the report of the Planning Commission meeting of August 2, 1983.

The City Planning Commission met in regular session at 7:00 p.m. on August 2, 1983. Present: Chairman Thornburg and Members Jackson, Koch, Spears, Underwood and Wellington. Absent: Member Searls.

The Planning Commission continued a public hearing to consider amending the Wal-Mart Planned Unit Development final plan to increase the size of the major tenant building to 65,753 square feet. Monty Fritz of Monty's Broasted Chicken, located at 2304 Princeton Road, was in attendance to inquire about a drainage plan for the development. He urged the Planning Commission to require that the developer provide a comprehensive drainage design for the area in order to prevent an increase in drainage problems. After discussion of the options available to the Planning Commission to address the drainage problem, it was decided by a 6-0 vote to approve the Wal-Mart Planned Unit Development, including the previously approved accessory documents specifying permitted uses as well as the design for a deceleration lane, and subject to city approval of drainage improvements to minimize further flooding of adjacent properties in the area.

The Planning Commission continued its discussion of the Southwest Neighborhood Land Use Plan. Myles Schachter briefly reviewed a previously discussed report regarding goals, objectives and policies for the area, and presented to the Planning Commission a report on public facilities and utilities for the area. This report included an examination of police and fire services and potential sites for a substation; park and recreation facilities available for the area; schools to be utilized by future residents of the area; sanitary sewer, water distribution and storm drainage improvements which will be necessary in the southwest neighborhood area in order to accommodate growth.

The Planning Commission discussed the advisability of unilateral annexation of the Yockey property located at Davis Road and Wilson Street. Discussion on the matter included a review of annexation procedure and a utility extension plan for that area. The Planning Commission decided by a 6-0 vote to recommend to the City Commission that annexation proceedings be initiated for the property.

In old business, the Planning Commission reviewed a first draft of an ordinance providing for temporary uses. The Planning Commission called a public hearing on this matter for their next regular meeting.

There being no further business, the meeting was adjourned.

At the conclusion of the report of the Planning Commission meeting, Commissioner McCrea made a motion that the report as read be accepted and entered into the official record of the city. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Resolution No. 368 - Authorizing the Mayor and City Clerk to Sign Agreements with the Atchison, Topeka & Santa Fe Railway Co.

Commissioner Bemmels made a motion that a resolution be passed authorizing and directing the mayor and the city clerk to execute agreements for the City of Ottawa between the Atchison, Topeka & Santa Fe Railway Co. and the Kansas Department of Transportation for signalization improvements at Tecumseh Street, Second Street, Fourth Street and Fifth Street as outlined in the agreement document. The motion was seconded by Commissioner McCrea. Mayor Lister then requested the City Manager comment on the subject.

The City Manager stated that the City Commission had met with the Kansas Department of Transportation about a year ago relative to the proposed crossing improvements at Tecumseh, Second, Fourth and Fifth Streets, and the transportation officials had pointed out at that time that the signalization at these railroad crossings was inadequate and not up to standards. The City Commission at that time agreed to pay ten percent of the cost of improving the signalization at those intersections from the street improvement funds derived from the one-half cent sales tax. The balance of the improvements were to be paid by the federal government. Mr. Watkins stated that approximately fifty percent of the total project cost will be spent on the Tecumseh crossing where there presently is no signalization.

Commissioner McCrea then questioned why the federal government and the city must bear the total cost for the signalization and the railroad does not contribute to this expense.

Upon call for the question, all present voted in favor of the motion.

Engineering Agreement with A. C. Kirkwood & Associates for the SW Main Sewer Extension No. 3

Commissioner Thompson made a motion that the city enter into an engineering agreement with A. C. Kirkwood & Associates for the extension of the SW Main Sewer Extension No. 3, at a total cost of \$2,285.00, and that the city not take up the options for the engineering firm to assist in bid-letting or for inspection. The motion was seconded by Commissioner McCrea, who commented that the contract is for the engineering and design of approximately 455 feet of sewer for a total cost of \$2,285.00, and that the engineering firm of A. C. Kirkwood & Associates is well qualified for this project. Mr. McCrea was in agreement with Mr. Thompson's motion with regard to declining the options available with this agreement, as he felt the city could handle the bid-letting and inspection tasks. Upon call for the question, all present voted in favor of the motion.

Call for Public Hearing - 1984 Budget

Commissioner McCrea made a motion that a public hearing be held at 3:30 p.m. August 15, 1983, to allow persons interested in the city's 1984 Budget to ask questions and consider the budget at that time. The motion was seconded by Commissioner Thompson. There being no discussion, the question was called, and all present voted in favor of the motion.

Consider Award of Engineering Contract

Mayor Lister called on the City Manager to outline the proposals the city has received for the design work associated with intersection improvements proposed for Fifteenth and Main Streets.

The City Manager reported that the city had received two proposals for the design work--a proposal from the engineering firm of A. C. Kirkwood & Associates for a total cost of \$7,350, and a proposal from the engineering firm of Cook, Flatt & Strobel for a total cost of \$7,950.

Commissioner McCrea asked the City Manager what work the two engineering firms had performed for the city in the past. The City Manager reported that Cook, Flatt & Strobel had done all of the design work for the Seventh Street improvement currently under construction, and that A. C. Kirkwood & Associates had designed numerous streets for the City of Ottawa over the past few years, including the overlay of U. S. 59 from Fifteenth Street to the south city limits.

Commissioner Bemmels made a motion that an engineering contract for the design work associated with the improvements proposed for the intersection of Fifteenth and Main Streets be awarded to A. C. Kirkwood & Associates inasmuch as their proposal was the lowest by \$600.00. The total cost specified by A. C. Kirkwood & Associates is \$7,350.00. The motion was seconded by Commissioner Thompson. Upon call for the question, all present voted in favor of the motion, except Commissioner McCrea, who voted opposing the motion.

Review of the City Investment Schedule

Commissioner McCrea made a motion that the City Investment Schedule for the month of July 1983 be approved, stating that as of July 31, 1983, the city had \$5,635,000 invested. The motion was seconded by Commissioner Bemmels. It was pointed out that the average interest rate as of July 31, 1983, was 8.84 percent, an increase over the June schedule, and ranges from a low of 8.07 to a high of 9.68 percent. Upon call for the question, all present voted in favor of the motion.

The formal agenda being completed, Mayor Lister stated that she had two appointments to the Auditorium Authority which she requested be approved by the City Commission. Mayor Lister named Betty Sutton to a three year term and Davis Bennett to fill an unexpired term vacated by Max Fridell which expires in 1984. All commissioners voiced approval of the appointments as announced by Mayor Lister.

In further business, Mayor Lister stated that the city had received a letter from ECKAN requesting permission to use City Park on August 31, 1983, from 1:00 to 5:00 p.m. for a county-wide resource fair. Commissioner Thompson made a motion that the request of ECKAN be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion. It was brought out through discussion that it was not necessary for ECKAN to provide liability insurance since no activities were scheduled which made this coverage necessary.

Mayor Lister read a letter from the Mid West Design Men's Softball Team signed by Mr. Floyd W. Jacobs, Team Manager, requesting permission to hold an ice cream social at Forest Park on August 16, 1983, from 6:30 p.m. to 8:30 p.m. The letter stated they would like to set up a tent in the grassy area north of the tennis courts, with the purpose of the social being an effort to offset expenses for the softball team during the Ottawa Recreation Commission's fall season. Commissioner Bemmels made a motion that the Mid West Design Men's Softball Team be granted permission for their requested ice cream social. The motion was seconded by Commissioner Thompson. Commissioner McCrea stated that he thought their efforts should be coordinated with the park superintendent as the persons responsible for hosting the social should also be responsible for disposal of trash that might accumulate as a result thereof. Upon call for the question, all present voted in favor of the motion.

Mayor Lister stated that all persons interested in the State Water Use Plan should attend a public hearing to be held in the basement of the District Court's building at 7:30 p.m. Tuesday, August 9, 1983. Mrs. Lister stated that this would be a good opportunity to hear an explanation of the state water use plan and to make comments if desired.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orin W. Smith, City Clerk

THE CITY OF OTTAWA

CITY HALL

(913) 242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF JULY 31, 1983

5-5	37627	E. Bond & Int.	100,000	8/4/83	F.N.B.	8.27
5-5	37628	Gen.	100,000	8/4/83	F.N.B.	8.27
5-5	37629	Water	100,000	8/4/83	F.N.B.	8.27
2-17	0268	Gen.	300,000	8/11/83	P.N.B.	8.41
2-17	0269	Elec. Bond Res.	500,000	8/11/83	P.N.B.	8.41
5-12	37631	Elec.	200,000	8/11/83	F.N.B.	8.07
5-12	7478	Elec.	100,000	8/11/83	K.S.B.	8.10
5-12	7479	Elec. Const.	100,000	8/11/83	K.S.B.	8.10
5-12	470	Water R.E.S.	100,000	8/11/83	P.N.B.	8.12
5-12	469	Elec.	100,000	8/11/83	P.N.B.	8.12
5-26	498	Water	200,000	8/25/83	P.N.B.	8.63
5-26	7485	Elec. Const.	100,000	8/25/83	K.S.B.	8.65
5-26	7486	Elec. Const.	200,000	8/25/83	K.S.B.	8.65
3-1	8488	Aud.	15,000	8/30/83	K.S.B.	8.413
6-9	7491	Const.	100,000	9/8/83	K.S.B.	8.95
6-9	7492	Const.	100,000	9/8/83	K.S.B.	8.95
6-9	0525	R.S.	100,000	9/8/83	P.N.B.	8.96
6-9	0526	Elec. B. & I.	100,000	9/8/83	P.N.B.	8.96
6-9	0527	Elec.	200,000	9/8/83	P.N.B.	8.96
6-9	0528	Gen.	300,000	9/8/83	P.N.B.	8.96
6-9	0529	Elec.	100,000	9/8/83	P.N.B.	8.96
6-23	0558	Elec.	100,000	9/22/83	P.N.B.	9.06
6-23	37651	W. Bond Res.	100,000	9/22/83	F.N.B.	9.06
6-23	7495	E. Const.	400,000	9/22/83	K.S.B.	9.05
7-7	9226	W. B. Res.	100,000	10/6/83	P.N.B.	9.14
7-7	9227	W. B. Res.	100,000	10/6/83	P.N.B.	9.14
7-28	37656	Gen.	200,000	10/27/83	F.N.B.	9.68
7-28	37657	W. B. Res.	100,000	10/27/83	F.N.B.	9.68
7-28	37658	Elec.	100,000	10/27/83	F.N.B.	9.68
7-28	1413	Elec. B. Res.	100,000	10/27/83	K.S.B.	9.23
7-28	1414	Gen.	100,000	10/27/83	K.S.B.	9.23
7-28	1415	Sewer	100,000	10/27/83	K.S.B.	9.23
7-28	1416	Sewer	100,000	10/27/83	K.S.B.	9.23
7-28	1417	Water	100,000	10/27/83	K.S.B.	9.23
7-28	1418	Elec.	300,000	10/27/83	K.S.B.	9.23
7-28	0637	Elec.	100,000	10/27/83	P.N.B.	9.15
7-28	0638	Elec.	100,000	10/27/83	P.N.B.	9.15
7-28	0636	Water	100,000	10/27/83	P.N.B.	9.15
5-6	9981	Aud.	20,000	11/4/83	K.S.B.	8.429
6-1	106346	Water	100,000	12/1/83	Fr. Sav.	9.4
		TOTAL	5,635,000		AVERAGE	8.84

City Hall - August 15, 1983

The City Governing Body met in special session at 3:30 p.m. this date. The special meeting was called to hold a public hearing on the proposed 1984 City of Ottawa Budget. Present: Mayor Lister and Commissioners McCrea, Bemmels and Heathman. Absent: Commissioner Thompson.

Mayor Lister called the meeting to order at 3:30 p.m., stating that the purpose of the meeting was to discuss and receive comments concerning the proposed 1984 operating budget for the City of Ottawa. Mayor Lister requested that the City Manager outline the budget and make comments concerning the budget.

Mr. Watkins stated that he would separate the budget into two separate functions, that part of the budget that is funded in total or partially from property taxes and that part of the budget that is not funded by taxes. The assessed valuation of the City of Ottawa has increased in the amount of \$295,286.00, or a total of 1.3 percent. It was pointed out by Mr. Watkins that the increase in assessed valuation of 1.3 percent is not sufficient to keep pace with the cost of living index. The budget as prepared reflects a cost of living increase for salaries in the amount of six percent. However, in discussion with the City Commission, it has been decided that a five percent increase is more in line with what other cities are granting and the cost of living index. The budget contains a thirty percent increase in health insurance premiums; however, it is hopeful that the city will be able to contain the cost of health insurance to something less than thirty percent. The general fund mill levy for 1983 is 19.95 mills and the budget as proposed for 1984 contains a general fund mill levy of 13.86 mills, which is a reduction of approximately 6 mills. The one-cent county-wide sales tax played a big part in reducing the mill levy for the general fund. The six mill reduction in the general fund more than offset the 5.39 mill increase which the city had to put into effect last year to offset the loss of the intangibles tax. The Employee Benefit Fund reflects an increase of three mills for 1984. It is believed that this is caused predominantly by the increases in Social Security taxes and workmen's compensation insurance along with providing payroll fringe benefits for the library employees and also the health insurance premiums for the library employees. The public safety equipment fund is down to 1.2 mills, from a maximum of 2 mills. The noxious weed fund is the same as last year at 1 mill, and the auditorium and library contain the same mill levies as last year, 6 mills for the library and 1.5 mills for the auditorium. The tort liability fund reflects a .39 mill increase. The bond and interest fund is down 1 mill and the city this year has added a 1 mill levy for the Highland Cemetery, deemed necessary to get the Highland Cemetery fund back into a more stable condition and relieve the reliance on the fees for lot sales and burials. The total levy for the city is 46.53 mills, or a 3.3 mill reduction from the 1983 operating budget.

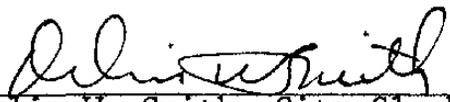
In other areas of the budget, the city manager stated that he did not see a need for an increase in electric rates through 1984. The sewer fund will require a user fee increase sometime in 1984 to begin retiring the bonds which will be sold to pay the city's share of the construction of a new sewage treatment plant. The water fund will bear close scrutiny in 1984 as it is showing a decrease in operating funds available. In the area of the revenue sharing fund under the 1984 budget there have been funds allocated for public safety, debt reduction, retirement of no fund warrants to purchase the fire truck, public works, municipal auditorium, airport construction for matching funds on a grant, the humane society for containment of animals that have been captured by the animal control officer, airport operator, Kanza Park improvements, historical society to continue the renovation of their building, the Franklin County Agricultural Society for fair ground improvements, COF, Inc. to assist in the purchase of vans to move their clients from their dormitories to their work station, and other contractual services.

At the conclusion of Mr. Watkins statements and comments, Commissioner McCrea commented that as of June 30, 1983, only 43.5 percent of the 1983 budget had been spent.

Mayor Lister stated that an approval of the 1984 budget does not necessarily mean that all funds budgeted for 1984 will be spent but that the approved budget is merely a ceiling and a guide for the operational budget for next year.

Mayor Lister asked if there were any other comments from anyone concerning the budget and also stated that the only persons present were the City Commissioners, city staff and news media. There were no further comments to be made.

Commissioner McCrea made a motion that the hearing be closed. The motion was seconded by Commissioner Heathman, at which time Mayor Lister declared the hearing to be closed. The meeting was then adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - August 17, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Bemmels, Thompson, Heathman and McCrea. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held August 3, 1983, were approved as written.

Ordinance No. 2747-83 - Approving Amendment to Wal-Mart PUD

Commissioner McCrea made a motion that an ordinance be passed approving the Wal-Mart Planned Unit Development (PUD) Final Site Plan containing an increase in the size of the major tenant building to 65,574 square feet, subject to the following conditions:

- A. That the previously approved accessory documents be attached to the final site plan
- B. That a deceleration lane be indicated on the final site plan
- C. That a drainage plan be developed by Wal-Mart subject to city approval to minimize further flooding of adjacent properties in the area
- D. That the previously approved landscaping plan and parking arrangement be adhered to.

The motion was seconded by Commissioner Bemmels. Commissioner Thompson then asked if he was correct that the four conditions read into the motion concerning passage of ordinance No. 2747-83 were also a part of the earlier Wal-Mart PUD site plan. Commissioner McCrea stated that Wal-Mart was fully aware of the four conditions prior to the recommendation for passage of the ordinance sent by the Planning Commission to the City Commission. The City Manager then indicated that the four conditions attached to Mr. McCrea's motion were a part of the acceptance of the Wal-Mart PUD some two years ago, and Wal-Mart, through Leo Eisenberg and Co. (who was representing Wal-Mart at that time), was fully aware of the conditions. There being no further questions or discussion, the question was called. All present voted in favor of the motion.

Resolution No. 369 - Intent to Issue Industrial Revenue Bonds

Commissioner Thompson made a motion that a resolution of Intent to Issue Industrial Revenue Bonds in the amount of \$2,000,000 to Wal-Mart Inc. for the construction of a 65,474 square foot department store be approved. The motion was seconded by Commissioner McCrea, who then stated that he had heard various comments from the Ottawa merchants concerning the issuance of Industrial Revenue Bonds for retail stores, and at this time he would like to read a statement from Ottawa Industrial Development concerning the issuance of such bonds. The statement set forth that Ottawa Industrial Development, Inc. (OID) wished to update its statement of October 28, 1980, at which time OID went on record as approving the issuance of Industrial Revenue Bonds for businesses other than manufacturers, which would enhance the economic growth of the City of Ottawa. Commissioner Thompson then commented that Wal-Mart Inc. has agreed to pay a fee equal to, and in lieu of taxes, which will be split proportionately between the City of Ottawa, Franklin County and Unified School District No. 290. The law sets forth that a tax exemption of ten years must be granted to the recipients of Industrial Revenue Bonds, but it also provides that a fee may be collected, which may be split between the taxing entities. Mayor Lister then commented that she felt the fee in lieu of taxes was a condition as set forth by the City Commission to be met before the issuance of Industrial Revenue Bonds for this particular purpose. Further, Mayor

stated that through her conversations with various merchants in the central business district, there was a variety of feelings among them about the issuance of Industrial Revenue Bonds for Wal-Mart, Inc. but the City Commission must act in what it feels is the best interest of the City of Ottawa in enhancing the competitive market. Mayor Lister then asked the city manager if all preconditions have been met by Wal-Mart prior to the issuance of the bonds. Mr. Watkins stated that Wal-Mart, Inc. has engaged the law firm of Gaar & Bell to prepare all future documents for the issue and all preconditions have been met for the issuance of the bonds. Mayor Lister commented that the firm of Gaar & Bell had been the attorneys in the issuance of most of the Industrial Revenue Bonds by the city and they have served well in protecting the interest of the City of Ottawa. Commissioner Bemmels pointed out that there has been a concern that issuing Industrial Revenue Bonds for a retail outlet might be creating an unfair advantage over the other merchants within the community. He further stated that provisions have been made in the Zoning Ordinance for a Planned Unit Development (PUD) in the area in which Wal-Mart is to locate, which has previously been approved by the Planning Commission, and as had been pointed out earlier in discussion, there is no tax advantage through the issuance of these bonds. Thus he felt the Industrial Revenue Bonds should not constitute an unfair advantage over other merchants. There being no further discussion, the question was called. All present voted in favor of the motion.

Approval of the 1984 Budget

Commissioner Bemmels made a motion to approve the 1984 Budget of the City of Ottawa as published and as discussed in the official public hearing, with the cost of living salary increase for city employees not to exceed five percent. The motion was seconded by Commissioner Heathman, who then requested that the City Manager explain the cushion that is built into the budget.

Mr. Watkins explained that in accordance with the auditor's recommendation, the city tries to retain a fifteen percent cash carryover from one year into the next. This carryover is necessary to provide sufficient monies on hand to pay expenses that occur before the city receives its tax revenues from the Franklin County Treasurer. Mr. Watkins then stated that it is well understood that the city purposely underestimates its revenues and overestimates its expenditures to achieve a fifteen percent cash carryover into the new year.

Mayor Lister then stated that it is understood that the budget as adopted by the City of Ottawa is merely a ceiling over expenditures and according to state law the city must have a balanced budget. The question was called and all present voted in favor of the motion.

Ordinance No. 2748-83 - Appropriating the 1984 Budget

Commissioner McCrea made a motion that an ordinance appropriating the 1984 Budget for the City of Ottawa, which will include a five percent cost of living increase for the employees, be passed. The motion was seconded by Commissioner Heathman. There being no discussion, the question was called. All present voted in favor of the motion.

Amendment No. 6 to Engineering Services Agreement for new Wastewater Treatment Plant and Collector System Improvements

Commissioner Bemmels made a motion to approve Amendment No. 6 to the Engineering Services Agreement with A. C. Kirkwood & Associates for engineering services in conjunction with the construction of the new wastewater treatment plant and collector system improvements. The motion was seconded by Commissioner McCrea. Mayor Lister asked the City Manager to respond concerning when the first contract with A. C. Kirkwood & Associates for wastewater treatment and collector system improvements was initiated.

Mr. Watkins stated that the original contract was executed in 1978 at which time the city started with Phase I, which was to examine the possible alternatives for wastewater treatment. It has taken five years for the city to arrive at the point where it is ready to receive a grant from the Environmental Protection Agency (EPA), to offer for bid and be ready for construction by October of this year.

Commissioner McCrea stated that he did take comfort in the fact that A. C. Kirkwood & Associates is doing the design of the new wastewater treatment facility as both Ottawa's power plant and water treatment plant won awards in the years they were constructed for their outstanding design throughout the state of Kansas.

In answer to a question posed by Commissioner Thompson, the City Manager stated that at the conclusion of the construction of the sewage treatment plant, A. C. Kirkwood & Associates will prepare an operation manual for the new plant, and undertake the training of the plant staff for a fee of \$17,209.

Upon call for the question, all present voted in favor of the motion.

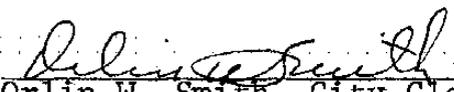
Announcements

Mayor Lister announced that the new president of Ottawa University and his wife, Wilber and Ellen Ann Wheaton, will be in the City Commission Chambers next Tuesday, August 23, 1983, from 9:00 a.m. to 10:30 a.m. She invited all citizens of Ottawa to come to meet Mr. and Mrs. Wheaton. This was announced as a joint effort between the City of Ottawa and the Greater Ottawa Chamber of Commerce.

Report by City Manager

Mr. Watkins reported that as a result of concerns expressed recently by the City Commission, the Department of Public Safety has been instructed to remove signs posted on city property and to bring them to City Hall where an attempt will be made to contact the person responsible for posting each sign to advise that this practice is in violation of the municipal code. Mayor Lister again cautioned citizens not to post signs on telephone poles with nails as a nail so placed can spell disaster for a person trying to climb the pole.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - August 26, 1983

The Governing Body met in special session at 3:30 p.m. this date. Present: Mayor Lister and Commissioners Bemmels, Heathman, Thompson and McCrea. Absent: None.

Resolution No. 370 - Intent to Issue Industrial Revenue Bonds

Commissioner Bemmels made a motion that a resolution of intent to issue \$1.6 million in Industrial Revenue Bonds for Franklin Savings Association for the construction of a new corporate headquarters be passed. The motion was seconded by Commissioner Heathman.

Mr. Duane Hall, President of the Franklin Savings Association in Ottawa, was present and extended the appreciation of the Franklin Savings Association for consideration of the issuance of the Industrial Revenue Bonds, and said that he felt that the location of the corporate headquarters in the City of Ottawa was just one of the many good things to come. Mr. Hall also stated that he would be happy to answer any questions that might be posed regarding the issuance of said bonds. There were no questions forthcoming for Mr. Hall.

Commissioner McCrea stated that through the past several sessions of the Governing Body, the city policy for the issuance of Industrial Revenue Bonds had been studied and he felt all of the Commissioners were satisfied that the issuance of the bonds for Franklin Savings Association to locate a corporate headquarters in Ottawa was well within the intent of the city's policy.

The city manager indicated that it will be necessary for the City Commission to hold a public hearing on the issuance of the Industrial Revenue Bonds for Franklin Savings Association on Wednesday, September 21, 1983, at 9:35 a.m. in order to comply with Internal Revenue Service regulations. The public hearing must be held prior to the City Commission action on an ordinance authorizing issuance of the bonds.

Mayor Lister read into the record the requirements for issuing Industrial Revenue Bonds as follows: "An application to the City of Ottawa requesting the issuance of Industrial Revenue Bonds shall set forth the following: the name, officers and principals of the proposed tenant industry; the estimated amount of the issue; the purpose for which the funds will be used; the proposed date of the issue; the number of years for the loan; the estimated annual rental; a statement regarding the marketability of the bonds; the supporting financial statements which includes an accounting audit of the requestor."

Upon call for the question, Mayor Lister and Commissioners Heathman, Bemmels and McCrea voted in favor of the motion. Commissioner Thompson abstained.

Award Contract for Airport Improvements

Mayor Lister stated that the city held a bid letting last week for airport improvements and that the city is now ready to award a contract to the lowest responsible bidder. Commissioner Thompson made a motion that a contract be awarded to the lowest responsive/responsible bidder for airport improvements, LRM Industries of Lawrence, in the amount of \$364,252.43 subject to FAA review and approval, and to authorize the city manager to sign a contract, necessary documents and correspondence with the FAA. The motion was seconded by Commissioner McCrea.

Mayor Lister then stated that she was most happy that the bid had come in almost \$100,000 under the engineer's estimate, and suggested to the City Commission that the city might contact the FAA to inquire if other airport improvements might be included in the contract inasmuch as the bid was so much lower than the engineer's estimate.

Commissioner McCrea stated that he thought this might be a starting point for additional airport improvements and suggested that the city manager be authorized to contact the FAA to see if other airport improvements could be included in the contract, stating further that the City Commission could look at the list of priorities for the airport to determine what additionally might be done, subject to FAA approval.

Commissioner Thompson indicated that he was in favor of looking into additional airport improvements if approved by the FAA.

There being no further discussion, the question was called and all present voted in favor of the motion.

Agreement with Kansas City Power & Light Company

Commissioner McCrea made a motion that the city enter into an agreement with the Kansas City Power & Light Company for improvements at its south Ottawa substation enabling the City of Ottawa to improve its transmission capabilities in receiving power through the Kansas City Power & Light Company transmission lines. The motion was seconded by Commissioner Thompson.

Commissioner Heathman stated that the agreement form which he had before him did not have the cost of the improvements and wished the city manager to comment on the cost.

The city manager stated that the estimated cost of the improvements which had been submitted by Kansas City Power & Light Company some months ago, was \$83,000. Further, the city manager stated that he and Mr. Chuck Leava, an engineer with A. C. Kirkwood & Associates, had visited with the Kansas City Power & Light Company representatives recently, and had verified the cost of the equipment that is to be purchased by Kansas City Power & Light Company and the cost of engineering, labor and other items, and were satisfied that the costs were appropriate. Mr. Watkins further stated that the equipment to be purchased for this improvement is apparently going to cost about ten percent less than the original price estimate.

Mayor Lister stated that she felt the improvement was necessary in order to allow the city to receive about twice as much electricity as it can now receive through the Kansas City Power & Light Company lines.

Commissioner Thompson offered that the original bond issue under which the new generating facility was constructed contained an expense item of \$1.5 million for the construction of new interconnection facilities with Kansas City Power & Light Company in order to receive power from their line. Through the negotiations by the staff and former commissioners, it appears the city is going to receive approximately the same amount of electricity for a cost of only \$83,000. Commissioner Thompson said he thought the staff and former commissioners who worked on the negotiations of this agreement should be commended.

Commissioner Bemmels questioned whether the Kansas City Power & Light Company would be using their own engineering staff on the improvements or whether they would be using outside engineers. The city manager answered that Kansas City Power & Light Company will be using their own engineering staff and it has not been decided at this time whether their own labor force would be committed to make the improvements or whether they would hire someone else to make the necessary changes. Mr. Watkins did state, however, that one of the Kansas City Power & Light Company engineers would be on site at all times while the improvements are being made as inspectors for the project.

Commissioner Heathman questioned the advisability of the City of Ottawa spending money for improvements on Kansas City Power & Light Company equipment located on their property, and wanted to know if there was a contractual agreement to cover this aspect of the improvement. The city manager answered that the Kansas City Power & Light

Company letter of agreement before the City Commission states that the company would assume all maintenance for the completed improvements. It was reported that the improvement consists of paralleling equipment to tie together two 20,000 KVA transformers which would allow the City of Ottawa to draw additional electricity. Presently, the city is limited to 15,000 kilowatts, and with the improvement, the city would be limited to about 19,500 kilowatts.

Mayor Lister commented with regard to Commissioner McCrea's statement wondered if a ceiling price of \$83,000 could be placed on the project by way of the agreement presently before the commission.

Commissioner McCrea expressed the thought that should an \$83,000 ceiling be placed on the contract, the performance of the contract might be expedited in an effort to secure the equipment at quoted prices in order to hold the cost down.

Commissioner Bemmels expressed that this is not the same situation as dealing with a contractor who undertakes an contract for profit. In this case, the Kansas City Power & Light Company is modifying and upgrading its own equipment with no profit motive in mind.

Commissioner Thompson stated that he was also apprehensive of signing an open ended contract, but in this situation where there is no bidding involved, the Kansas City Power & Light Company is working on its own equipment, he felt the estimate the city had received was on the high side.

Mayor Lister stated that she thought the total membership of the City Commission was reluctant to enter into a contract or agreement of this type, but for the amount of money involved and considering the fact that the city's capacity to receive power would be doubled, the agreement would have to be considered accordingly.

There being no further discussion, the question was called. Mayor Lister and Commissioners Thompson and Bemmels voted in favor of the motion. Commissioners Heathman and McCrea voted opposing the motion.

Mayor Lister made a closing statement concerning this issue, that it would probably be six months before the paralleling can be done and become a reality.

Engineering Agreement for Phase V of Skunk Run Storm Drainage Improvement

Commissioner McCrea made a motion that an engineering agreement with A. C. Kirkwood & Associates for the design of Phase V of the Skunk Run Storm Drainage Improvements be approved. The motion was seconded by Commissioner Bemmels.

Commissioner Thompson then read for the record the improvements that will be authorized under Phase V by Amendment No. 3 to the contract. The improvements are: (1) improvements to the existing Skunk Run drainage facilities by construction of a box culvert beneath Pecan, an open channel from Pecan to Locust, a box culvert beneath Locust, an open channel from Locust to Ninth, a box culvert beneath Ninth, an open channel between Ninth and Tenth, a box culvert beneath Tenth, an open channel between Tenth and Eleventh, a box culvert beneath Eleventh, and an open channel from Eleventh to Kanza Park; and (2) relocation of sanitary sewers beneath Tenth and Eleventh.

Commissioner Bemmels then stated for the record that the engineer is to be compensated in the sum of \$43,400 for the design of this phase of the project.

Mayor Lister stated that this project has taken many years and the City of Ottawa is most fortunate in having funds made available to it for the renovation of the Skunk Run drainage system.

At the request of the Commission, the city manager stated that the first year's planning grant was for \$35,000, the second year construction was for \$335,000, the third year construction was for \$475,000, the fourth year construction was for \$504,235 and the fifth year for this final phase construction is for \$475,000, amounting to a total of \$1,824,235.

Commissioner McCrea commented that if it were not for the competent city staff completing the applications for funding for the improvements of the Skunk Run drainage system, the work would not have been accomplished. He further stated that with the project in excess of a million dollars, it would have been very difficult to generate those funds locally for such an undertaking.

There being no further discussion, the question was called. All present voted in favor of the motion.

Comments on Burning

Mayor Lister stated that she had been wondering, in view of the present drought conditions, if the City Commission should take any action regarding burning. The city manager reported that to his knowledge there had been no grass fires as a result of the drought conditions.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - September 7, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor pro tem McCrea and Commissioners Thompson, Bemmels and Heathman. Absent: Mayor Lister.

Approval of Minutes

The minutes of a special meeting held August 15, 1983, were approved as written. The minutes of the last regular meeting held August 17, 1983, were approved as written. The minutes of a special meeting held August 26, 1983, were approved as written.

Report of Planning Commission Meeting

A report of the Planning Commission meeting held September 6, 1983, was read as follows:

The City Planning Commission met in regular session at 7:00 p.m. on September 6, 1983. Present: Chairman Thornburg and Members Spears, Koch, Wellington, Searls, Jackson and Underwood. Absent: None.

The minutes of the last two regular meetings held July 5, 1983, and August 2, 1983, were approved as written.

The Planning Commission held a public hearing to consider an amendment to the Zoning Ordinance regulating temporary uses. In accordance with Planning Commission bylaws, the public hearing was continued to its next regular meeting.

The Planning Commission continued its discussion of the Southwest Neighborhood Land Use Plan. Myles Schachter, city planning consultant, reviewed with the Planning Commission a report on Future Land Use and Thoroughfare Planning. This discussion included specific characteristics of a future land use map designed to guide development in the area and the designation of a major street system to include arterial, collector and local streets.

There being no further business before the Planning Commission, the meeting was adjourned.

At the conclusion of the report, it was directed that the report be taken under advisement and entered into the official record of the city.

Request from Meadows Construction Company, Inc.

Commissioner Thompson made a motion that the amount of payment retainage on the pay estimates to the Meadows Construction Company, Inc. for the Central Business District improvements be reduced from ten percent to five percent, effective with the next pay estimate. The motion was seconded by Commissioner Heathman. The city manager stated that the next pay estimate to the Meadows Construction Company is due to be received by the city on September 20, 1983, and payable on or about October 1, 1983. Commissioner McCrea stated that the surety on the contract had been contacted and the surety had given approval for the reduction in the pay retainage. Commissioner McCrea also stated that the five percent retainage is in line with what is required by the Kansas Department of Transportation on such contracts. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2749-83 - Speed Limits Within School Zones

Commissioner Bemmels made a motion that an ordinance amending the Municipal Code, establishing a speed limit of 20 miles per hour within school zones between the hours of 7:30 a.m. and 4:00 p.m. be passed. The motion was seconded by Commissioner Heathman. Commissioner Bemmels then stated that the net effect of this ordinance is that the 20 miles per hour speed limit in school zones is in effect from 7:30 a.m. to 4:00 p.m. when school is in session. The present ordinance as it appears in the Municipal Code establishes the 20 miles per hour speed limit

with no regard as to the time of day or whether or not school is in session. Upon call for the question, all present voted in favor of the motion.

Resolution No. 371 - ICMA Retirement Corporation

Mayor pro tem McCrea called on the city manager to explain the city's need for passage of this resolution. The city manager explained that under the new Internal Revenue Service rules, the ICMA Retirement Corporation must be governed by a Board of Trustees, which will be in part elected by the member cities of the corporation. The City of Ottawa, being a member of the ICMA Retirement Corporation, needs to pass this resolution to become a voting member for the purpose of selection of the Board of Trustees. The city manager further reported that the City of Ottawa presently has approximately fifty employees contributing to the ICMA Retirement Corporation's deferred compensation retirement plan. There being no further discussion, the question was called. All present voted in favor of the motion.

City Investment Schedule

Mayor pro tem McCrea reported that as of August 31, 1983, the city had a total of \$5,635,000 invested at an average interest rate of 9.32%. Commissioner Bemmels made a motion that the report of the city's investments as of August 31, 1983, indicating a total of \$5,635,000 invested at an average interest rate of 9.32%, be approved. The motion was seconded by Commissioner Heathman, who commented that the average interest rate shown on this investment report is 1.02% higher than on the previous month's report. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2750-83 - Reappointment of Members to Board of Contractor Examiners

Commissioner Bemmels made a motion that an ordinance providing for a certain amendment to Chapter VI of the Municipal Code allowing for reappoint of members to the Board of Contractor Examiners be passed. The motion was seconded by Commissioner Thompson. It was discussed that under the present ordinance, members of this Board may serve only one one-year term. The amending ordinance will allow for reappointment for one additional one-year term, thus allowing for a continuity of membership. Under the present system of a single term being allowed, the appointees to this Board do not have time to become totally familiar with the responsibilities of their appointment or to gain sufficient experience to perform with expertise within a single term. There being no further discussion, the question was called. All present voted in favor of the motion.

Amendment to Airport Fixed-Base Operator Lease

The city manager opened discussion on this subject, stating that the city's insurance carrier for the Municipal Airport had informed the city in August of 1983 that it could no longer provide airport insurance that would cover both the city and the fixed base operator in one policy. as it had in the past. The city had paid the insurance premium and then been reimbursed by the fixed base operator for his share of that premium. The city's insurance carrier now states that the fixed base operator will be required to purchase a separate policy rather than sharing in the city's policy. The amendment to the lease states that the fixed base operator must provide \$1,000,000 combined single limit bodily injury property damage insurance, \$150,000 hangarkeepers legal liability per aircraft, \$350,000 hangarkeepers legal liability per occurrence, and \$500,000 product coverage liability. Commissioner Bemmels made a motion that an amendment to the fixed base operator lease with Paul E. Martin for the operation of the Ottawa Municipal Airport setting forth the limits of insurance which the fixed base operator must maintain, be passed. The motion was seconded by Commissioner Thompson, and all present voted in favor of the motion.

Amendment to Airport Service Lease Agreement

The city manager stated that the same provisions as set forth by the insurance company in the foregoing agenda item were also true of the Airport Services Lease Agreement with Paul E. Martin. The limits of liability as set forth in the Fixed Base Operator Lease are the same as those that must be set forth in the Airport Service Lease Agreement. Commissioner Thompson made a motion that an amendment to the Airport Service Lease Agreement which sets forth the limits of insurance which the lessee must provide be passed. The motion was seconded by Commissioner Heathman, and upon call for the question, all present voted in favor of the motion.

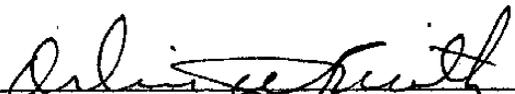
There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

Amendment to minutes of September 7, 1983:

Note: Resolution No. 371 - the following was not reported:

Commissioner Thompson made a motion that a resolution amending the city's membership in the ICMA Retirement Corporation be passed. The motion was seconded by Commissioner Bemmels.


Orlin W. Smith, City Clerk

City Hall - September 21, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Bemmels, Heathman, McCrea and Thompson. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held September 7, 1983, were approved as written.

Mayor Lister announced that today's meeting would begin with a series of three public hearings on the issuance of Industrial Revenue Bonds. However, Mayor Lister stated before the public hearings began, she wanted to call on Mrs. Dorothea Riley, Attorney, to make comments on the issuance of Industrial Revenue Bonds. Mrs. Riley and Mr. Norman Gaar, of the law firm of Gaar & Bell, were in attendance for the public hearings.

Mrs. Riley stated that Industrial Revenue Bonds may be used to enhance the economic development of a city. A firm wishing to construct facilities for manufacturing retail sales, financial institutions or other such developments may request that a city issue Industrial Revenue Bonds to finance either the construction or the acquisition of the facility. The attracting of the Industrial Revenue Bonds is that the interest proceeds to the purchaser of the bonds is exempt from both federal and state income taxes. The income tax exemptions result in a lower interest rate to the firm acquiring the financing. The payments of both principal and interest to retire the Industrial Revenue Bonds are payable from the revenues generated by the facility and is not payable by taxes. The resolution of intent which a city must pass prior to the issuance of Industrial Revenue Bonds is merely statement of intent and does not obligate the city to issue such bonds until and/or unless other criteria are met.

Public Hearing - Proposed Issuance of Industrial Revenue Bonds for Franklin Savings Association

Mayor Lister announced that at this time the City Commission would conduct a public hearing to consider the proposed issuance of Industrial Revenue Bonds in the amount of \$1,600,000 for Franklin Savings Association for the construction of a corporate headquarters building. Mayor Lister stated that she and the Commissioners were quite pleased by the selection of Ottawa for the construction of a corporate headquarters for the Franklin Savings Association. There being no further comments from the City Commission or those in attendance, Commissioner Thompson made a motion that the public hearing be closed. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Public Hearing - Consider the Proposed Issuance of Industrial Revenue Bonds for Wal-Mart Stores, Inc.

Mayor Lister stated that at this time the City Commission would hold a public hearing to consider the proposed issuance of Industrial Revenue Bonds in the amount of \$2,000,000 for Wal-Mart Stores, Inc. for the construction of a retail facility. Mayor Lister stated that as with the Franklin Savings Association, the resolution of intent for Wal-Mart Stores, Inc. had been previously passed. Commissioner Bemmels stated that he was pleased that Wal-Mart Stores, Inc. was going to construct a new facility in the City of Ottawa that would be considerably larger than the present facility here in Ottawa. On a query as to whether city money would be involved in the Wal-Mart facility, Mrs. Riley was called upon again to comment, stating that no city money would be involved in the Wal-Mart facility, the city being a conduit through which Wal-Mart may borrow money to construct its retail plant. There being no further discussion, Commissioner McCrea made a motion that the hearing be closed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Public Hearing - Consider Proposed Issuance of Industrial Revenue Bonds for Mr. Burwyn Bender

Mayor Lister stated that at this time the City Commission would hold a public hearing to consider the proposed issuance of Industrial Revenue Bonds in the amount of \$6,300,000 for Mr. Burwyn Bender for the acquisition of a diesel truck and tractor manufacturing facility and improvements to the facility. Mayor Lister further stated that a resolution of intent would be considered for the issuance of these bonds following the public hearing. Mayor Lister then asked if there was anyone present representing Mr. Bender. Mr. James Lenaghan reported that he was present representing Mr. Bender, along with Mr. Brian Gill, who is comptroller of the Ottawa Truck Division of Gulf-Western Industries. Mr. Lenaghan stated that he did not have any statements to make, but would be happy to answer any questions that the City Commission or anyone else might have. Commissioner Heathman asked if Mr. Bender would have any of his own money in the project of acquiring and improving the truck facility. Mr. Gill stated that Mr. Bender will have other monies involved in the transaction, but at this point it is not known what the amount will be. The Commission also asked if the \$6,300,000 involved was just for the acquisition and improvement of the Ottawa facility, or if there would be other facilities involved. Mr. Lenaghan answered that the monies involved in this Industrial Revenue Bond issue request were for the Ottawa division only, and in speaking specifically about a Paola division, that it would be a separate issue. Mr. Lenaghan also stated that there are plans to enlarge and diversify the Ottawa Truck Division. Presently there are 110 employees with Ottawa Truck, and there should be considerably more in the future. There being no further comments, Commissioner McCrea made a motion that the hearing be closed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Resolution No. 372 - Intent to Issue Industrial Revenue Bonds

Commissioner McCrea made a motion that a resolution approving a project for Burwyn Bender, his associates or assigns, and determining that the City of Ottawa, Kansas, will issue Industrial Revenue Bonds in an amount not to exceed \$6,300,000 for the purpose of financing the cost of acquiring and improving a project for industrial purposes, including real property, buildings, improvements, machinery and equipment be passed. The motion was seconded by Commissioner Heathman. It was further discussed that the city is not bound to issue the Industrial Revenue Bonds by passage of this resolution. Other conditions must be met before the city will issue the bonds. There being no further discussion, the question was called. All present voted in favor of the motion.

Resolution No. 373 - Authorizing Acceptance of Grant Offer for Airport Improvements

Commissioner Bemmels made a motion that a resolution authorizing the acceptance of a grant offer from the United States relating to development of the Ottawa Municipal Airport be passed, further stating that the total amount of the grant is \$324,540. The motion was seconded by Commissioner McCrea. It was also discussed that inasmuch as the construction bids came in lower than the engineer's estimate for the project cost, the Federal Aviation Administration had authorized the city to add lighting improvements to the project, providing the plans and specifications for such are completed by November 1, 1983. Upon call for the question, all present voted in favor of the motion.

Resolution No. 374 - Calling for Public Hearing for Annexation

Commissioner McCrea made a motion that a resolution calling for a public hearing to be held November 21, 1983, at 3:00 p.m. to consider the annexation of property located between the Ottawa Country Club and Wilson Street, be passed. The motion was seconded by Commissioner Thompson. It was discussed that the proposed annexation is as recommended by the Planning Commission and inasmuch as this is unilateral annexation a public hearing is required. One of the purposes of the

proposed annexation is to straighten the city boundaries. It was reported that the property proposed to be annexed is presently served with city water and electric power. There being no further discussion on the matter, the motion was called and all present voted in favor of the motion.

Cereal Malt Beverage License Applications

Mayor Lister stated that there were two applications for cereal malt beverage license for package sales only before the Commission at this time, as follows:

Fleming Petroleum Company, Inc. a/k/a the Conoco Travel Shoppe, Jerry E. Harkins, Manager, which is located at 23rd and Princeton Streets

All Services Incorporated, a/k/a Rentmasters, Frances Kolody, Manager, which is located on 23rd Street between Princeton Street and Main Street.

It was reported by the city clerk that the applicants have met all prerequisites and requirements for receiving cereal malt beverage license. Commissioner Thompson made a motion that the applications be approved and cereal malt beverage licenses be issued to the above referenced firms whose managers are named above as well. The motion was seconded by Commissioner Heathman. On call for the question, all present voted in favor of the motion.

Request for Use of Fourth Street for 4-H Minifair

The city manager read a letter from Mrs. Donna Davis, co-chairman of the 4-H Minifair Week, requesting use of Fourth Street immediately south of the courthouse lawn by 4-H members who wish to show animals as part of the 4-H Minifair. The fair will be held October 8, 1983, from 10:00 a.m. until 2:00 p.m. It was reported that the County Commissioners had given permission for the 4-H participants to use the lawn for their minifair with the exception of showing animals. Commissioner Bemmels made a motion that the 4-H participants be allowed to use the parking spaces on Fourth Street just south of the county courthouse lawn for the purpose of showing their animals at the 4-H Minifair between the hours of 10:00 a.m. and 2:00 p.m. on October 8, 1983. The motion was seconded by Commissioner Thompson. It was further stipulated that the fair participants must clean the area following its use. On call for the question, all present voted in favor of the motion.

Request for Parade - Ottawa High School

Mr. Harold Wingert, a student at Ottawa High School, submitted a request for a homecoming parade on Ottawa's Main Street for the Ottawa High School and Ottawa University. The parade is to be held October 5, 1983, beginning at 7:00 p.m. The parade is to proceed from City Park to Forest Park. The request stated that they plan to have approximately forty parade entries. Commissioner McCrea made a motion that Ottawa High School and Ottawa University be permitted to hold a joint homecoming parade on Ottawa's Main Street on October 5, 1983, as described above. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Proclamation - Constitution Week

A proclamation proclaiming the week of September 17-23 as "Constitution Week" was read. Commissioner McCrea made a motion that this proclamation be approved. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

Proclamation - PTA Membership Month

Mrs. Pat Carey, President of the Lincoln School PTA, requested a proclamation be approved proclaiming the month of October 1983 as "PTA Member-

ship Month" and October 2, 1983, as "PTA Sunday". Commissioner Thompson made a motion the proclamation be approved. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Announcements

Mayor Lister announced that the Franklin County Landfill will be open and free to county residents from October 9-15, 1983. The hours of operation are Monday, Wednesday, Friday and Saturday from 8:00 a.m. to 4:00 p.m. and Tuesday and Thursday from 8:00 a.m. to 12:00 noon. Mayor Lister urged the city residents to take advantage of the situation for a fall cleanup of their properties. Mayor Lister also announced that the City Commissioners and the city staff would be in Wichita October 2-4 for the annual meeting of the Kansas League of Municipalities.

In concluding remarks, Commissioner McCrea stated that he felt the City of Ottawa was very fortunate in having the opportunity to approve the issuance of more than \$10 million in Industrial Revenue Bonds in one day, for three individual companies which are investing in the future of Ottawa. Mayor Lister was in accord with Commissioner McCrea's comments.

Commissioner Heathman then stated that he had a question, wanting to know how many commissioners were going to New Orleans in November. Mayor Lister stated that New Orleans was a National League of Cities meeting and she did not know at this point how many were going. Commissioner Heathman wanted to know what the cost of the trip would be and if reservations had not been made. It was stated that reservations had been made and the airfare for the trip is approximately \$195 and the registration fee is \$150-200 per commissioner. Mayor Lister stated that it is left up to each individual commissioner as to who wishes to attend and at this time she plans to attend as Mr. McCrea also stated he plans to attend. Further, the final plans for the trip have not been made. Commissioner Heathman stated that it was his understanding that the city only has one vote and he thought the city should only send one delegate. However, Mayor Lister stated that in the past the city has had state voting delegates as well as having members of the City Commission appointed to vote for other cities that were not in attendance. Mayor Lister further stated that this item would be discussed at a later date.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas, October 5, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Thompson, Bemmels, McCrea and Heathman. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held September 21, 1983, were corrected to reflect that Commissioner Thompson abstained from voting on the subject of the public hearing concerning the proposed issuance of Industrial Revenue Bonds for Franklin Savings Association. The balance of the minutes was approved as written.

Report of Planning Commission Meeting

The City Planning Commission met in regular session at 7:00 p.m. on October 4, 1983. Present: Chairman Thornburg and Members Wellington, Underwood, Searls, Koch, Jackson and Spears. Absent: None.

The minutes of the last regular meeting held on September 6, 1983, were approved with corrections.

The Planning Commission reviewed a request submitted by Paul Gaynor to rezone a tract of land generally located at 410 West Nineteenth Street from R-S (Residential-Suburban) to C-1 (Neighborhood Commercial). The Planning Commission approved by a 7-0 vote to recommend that this request be denied. This recommendation is forwarded to the City Commission for consideration.

The Planning Commission continued its study of the Southwest Neighborhood Land Use Plan. They reviewed and discussed three options for the placement of collector roads in the area and will continue this discussion at the next study session.

The Planning Commission continued a public hearing on a proposed amendment to the Zoning Ordinance regulating temporary uses. After discussion, the Planning Commission voted 7-0 to forward this amendment to the City Commission for approval.

The Planning Commission approved 7-0 an amendment to the bylaws allowing the Chairman to vote.

There being no further business before the Planning Commission, the meeting was adjourned.

Commissioner McCrea asked if Mr. Gaynor's request had not been under consideration for a long period of time. The city manager answered that Mr. Gaynor's request for change in zoning had been initiated in May or June of this year, but the Planning Commission deferred consideration of the request while a future land use study was being done on that area. The Planning Commission did determine at the October 4 meeting, however, that inasmuch as 19th Street is not an arterial and has no access to sanitary sewers, Mr. Gaynor's request should be denied.

Commissioner McCrea made a motion that the report of the Planning Commission meeting of October 4, 1983, be accepted and entered into the official record of the city. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Approval of Investment Report for September 1983

Commissioner Bemmels made a motion that the schedule of investments existing as of September 30, 1983 be approved. The motion was

seconded by Commissioner McCrea. The investment schedule as of September 30, 1983 indicates a total of \$5,935,000 invested at an average interest rate of 9.39 percent. The highest rate of interest shown was 9.86 and the lowest rate was 8.429. On call for the question, all present voted in favor of the motion.

Agreement with Environmental Protection Agency

Mayor Lister announced that the city had been advised on September 30, 1983, that the Environmental Protection Agency was offering the city a grant in the amount of \$2,617,720 for improvements to the city's wastewater treatment plant. Mayor Lister then called on the city manager to comment on the actions that the city must take at this time.

The city manager stated that the city had received the grant offer on September 30, 1983, and at this time the city must execute documents accepting the grant offer and set forth the timetable of the project activities as follows:

Advertising for bids	October 14, 1983
Opening of bids	November 22, 1983
Award of contract	January 5, 1984
Preconstruction conference	January 20, 1984
Issuance of notice to proceed	January 20, 1984
Construction to begin	February 19, 1984

The city manager also stated that the City of Ottawa is somewhat fortunate in that all grant offers made in the new federal fiscal year which began October 1, 1983 will be for 55% federal participation with the recipients of the grants providing 45% of the funds needed. The city's grant is for 75% federal participation and 25% city participation.

Commissioner McCrea made a motion that an agreement with the Environmental Protection Agency dated September 29, 1983, for the acceptance of a grant in the amount of \$2,617,720 for improvements to the wastewater treatment plant be approved and that the city manager be authorized to sign the agreement on behalf of the City of Ottawa. The motion was seconded by Commissioner Thompson. Upon call for the question, all present voted in favor of the motion.

Airport Services Agreement

Commissioner Bemmels made a motion that the City of Ottawa enter into an airport services agreement with Mr. Paul E. Martin. The agreement is to be in effect for a term beginning October 1, 1983 and ending September 30, 1984. The agreement is to set forth that Mr. Martin is to be paid \$700 per month, or \$8,400 per year. The agreement is to further set forth that either party reserves the right to cancel the agreement upon ninety days' written notice to the other party. The motion was seconded by Commissioner McCrea. It was discussed that the city had advertised for bids for a party to assume the airport services agreement, and the city received only one such bid, that being from Mr. Paul E. Martin. Upon call for the question, all present voted in favor of the motion.

Fixed-Base Operator Agreement

Commissioner Thompson made a motion that the city enter into a fixed-base operator agreement for the municipal airport with Mr. Paul E. Martin. The agreement is to be in effect for a term beginning October 1, 1983 and ending September 30, 1984, and the agreement is cancellable by either party upon ninety days' written notice. The city is to pay Mr. Martin \$125 per month towards utilities expense. The motion was seconded by Commissioner Bemmels and all present voted in favor of the motion.

THE CITY OF OTTAWA

CITY HALL

(913) 242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF SEPTEMBER 30, 1983

7-7	9226	W.B. Res.	100,000	10/6/83	P.N.B.	9.14
7-7	9227	W.B. Res.	100,000	10/6/83	P.N.B.	9.14
7-28	37656	Gen.	200,000	10/27/83	F.N.B.	9.68
7-28	37657	W.B. Res.	100,000	10/27/83	F.N.B.	9.68
7-28	37658	Elec.	100,000	10/27/83	F.N.B.	9.68
7-28	1413	Elec. B. Res.	100,000	10/27/83	K.S.B.	9.23
7-28	1414	Gen.	100,000	10/27/83	K.S.B.	9.23
7-28	1415	Sewer	100,000	10/27/83	K.S.B.	9.23
7-28	1416	Sewer	100,000	10/27/83	K.S.B.	9.23
7-28	1417	Water	100,000	10/27/83	K.S.B.	9.23
7-28	1418	Elec.	300,000	10/27/83	K.S.B.	9.23
7-28	0637	Elec.	100,000	10/27/83	P.N.B.	9.15
7-28	0638	Elec.	100,000	10/27/83	P.N.B.	9.15
7-28	0636	Water	100,000	10/27/83	P.N.B.	9.15
9-8	0725	Gen.	300,000	10/13/83	P.N.B.	8.81
8-4	37661	Elec. B. & I.	100,000	11/4/83	F.N.B.	9.47
8-4	37662	Gen.	100,000	11/4/83	F.N.B.	9.47
8-4	37663	Water	100,000	11/4/83	F.N.B.	9.47
8-11	37667	Elec.	200,000	11/10/83	F.N.B.	9.65
8-11	1420	Elec.	100,000	11/10/83	K.S.B.	9.71
8-11	1421	Elec. Const.	100,000	11/10/83	K.S.B.	9.71
8-11	0668	Gen.	300,000	11/10/83	P.N.B.	9.70
8-11	0669	E.B. Res.	500,000	11/10/83	P.N.B.	9.70
8-11	0670	W. R. E. S.	100,000	11/10/83	P.N.B.	9.70
8-11	0671	Elec.	100,000	11/10/83	P.N.B.	9.70
8-25	1426	Elec. Const.	100,000	11/25/83	K.S.B.	9.23
8-25	1427	Elec. Const.	200,000	11/25/83	K.S.B.	9.23
8-25	0699	Water	200,000	11/25/83	P.N.B.	9.26
5-6	9981	Aud.	20,000	11/4/83	K.S.B.	8.429
8-30	8488	Aud.	15,000	2/29/84	K.S.B.	9.78
6-1	106346	Water	100,000	12/1/83	Fr. Sav.	9.4
9-1	0711	W. Res.	200,000	12/1/83	P.N.B.	9.86
9-1	0712	Bond & Int.	100,000	12/1/83	P.N.B.	9.86
9-8	37675	Const.	100,000	12/8/83	F.N.B.	9.21
9-8	37676	Const.	100,000	12/8/83	F.N.B.	9.21
9-8	0726	Elec.	200,000	12/8/83	P.N.B.	9.24
9-8	0724	Elec.	100,000	12/8/83	P.N.B.	9.24
9-8	0723	R.S.	100,000	12/8/83	P.N.B.	9.24
9-8	0722	Elec. B. & I.	100,000	12/8/83	P.N.B.	9.24
9-22	0745	Elec.	100,000	12/22/83	P.N.B.	9.07
9-22	27686	W. Bond Res.	100,000	12/22/83	F.N.B.	9.08
9-22	7495	E. Const.	400,000	12/22/83	K.S.B.	9.31

TOTAL 5,935,000

AVERAGE 9.39

Agreement with ECKAN - Solar Collectors

Commissioner McCrea made a motion that an agreement with ECKAN for the purchase and installation of solar collectors provided through the city's Community Development Block Grant program at a maximum cost of \$625 each be approved. The motion was seconded by Commissioner Heathman. It was discussed that the city has a total of \$25,000 available in the FY 1982 Community Development Block Grant (CDBG) program for purchase and installation of the solar collector units in low- and moderate-income housing. It is hoped that through the installation of the solar collectors, the heating expenses will be reduced for low- and moderate-income families. The ECKAN office is to provide the city with monthly progress reports and the units are to be warranted to the recipients of the solar collectors. The funds available will provide up to forty such units. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2751-83 - Annexation of Cemetery Land

Commissioner McCrea made a motion that an ordinance annexing certain land to the City of Ottawa, Kansas, in conformance with Kansas Statutes Annotated 12-520 and 12-520(b) be passed. The land is described as follows: the Southeast Quarter of the Northwest Quarter of Section 12, Township 17, Range 19, Franklin County, Kansas. The motion was seconded by Commissioner Bemmels. It was discussed that the forty acre tract in question was purchased by the city a little less than one year ago for cemetery expansion inasmuch as Highland Cemetery is 75-85% full. The land is presently being farmed, which serves as a weed control until such time as the land is necessary for cemetery use. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2752-83 - Snow Removal

It was discussed that the following ordinance which requires owners and occupants to remove snow from city sidewalks was necessary to correct an oversight when the city ordinances were recodified. Commissioner Bemmels made a motion that an ordinance providing for the removal of ice or snow from city sidewalks by the owners or occupants of adjacent properties be passed. The motion was seconded by Commissioner Thompson. Upon call for the question, all present voted in favor of the motion.

Ordinance Concerning Bicycles on Sidewalks in Central Business District

Commissioner Bemmels made a motion that action on the ordinance concerning the riding and parking of bicycles on the sidewalks in the Central Business District be deferred. The motion was seconded by Commissioner Thompson, who further stated that he thought study and consideration should be given concerning parking of bicycles in the Central Business District before the city should take action on an ordinance regulating riding and parking bicycles on the sidewalks.

Mr. Herman Norwood questioned why the city did not want bicycles to be ridden on city sidewalks, stating that young children learning to ride bicycles should not be attempting such on the city streets. It was explained to Mr. Norwood that the ordinance in question pertains only to riding bicycles on the sidewalks in the Central Business District and does not pertain to riding bicycles on the sidewalks in the residential district. The City Commission was in agreement that children learning to ride bicycles should not be riding them in the city streets.

Commissioner McCrea stated that for the safety of pedestrians on the sidewalks in the Central Business District, he did not feel that bicycles should be allowed to be ridden on the sidewalks. All were in agreement that the matter should be studied further to provide for parking of bicycles in the Central Business District. Upon call for the question, all present voted in favor of the motion.

Request for Parade

Mr. Joe Wherle appeared before the City Commission requesting permission for the V.F.W. to have their annual Veterans Day parade on November 11, 1983 beginning at 7:00 p.m. The parade is to begin at Park Street and terminate at the Kansas State Bank. Commissioner McCrea made a motion that the request for the Veterans Day parade by the V.F.W. be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance Amending the City's Electric Code

Commissioner McCrea made a motion that action on an ordinance amending the city's Electric Code be deferred until the City Commission could study the ordinance and confer with the city inspector. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Cereal Malt Beverage License

The City Governing Body considered an application for cereal malt beverage license as submitted by Triple K Limited, doing business as Casey's General Store, 1002 N. Main, Ottawa, Kansas. The manager of the store is Lois E. Baer. It was reported by the city clerk that this application for cereal malt beverage license had been on the agenda for the September 21, meeting but it had been withdrawn from the agenda as the application was incomplete. The application as it is today is complete and meets all prerequisites for issuance of license. Commissioner McCrea made a motion that a cereal malt beverage license be issued to Triple K Limited, doing business as Casey's General Store, 1002 N. Main, Lois E. Baer, Manager, said license being for retail sales in original and unopened containers. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Announcement of Resignation and Appointment to Auditorium Authority

Mayor Lister announced that Dorothy Chaney had resigned from the Auditorium Authority and proposed that Mr. Sherwin Snyder be appointed to fill the unexpired term of Mrs. Chaney. Mrs. Chaney's appointment would have expired in April 1985. It was also stated that Mr. Snyder had agreed to accept an appointment for the unexpired term and that he would serve an additional full term if he were appointed. Commissioner Thompson made a motion that Sherwin Snyder be appointed to fill the unexpired term of Dorothy Chaney on the Auditorium Authority. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Proclamation - Alcohol and Other Drug Abuse Awareness Month

Mr. Charles Peterson appeared before the City Commission and requested that the month of October 1983 be proclaimed Alcohol and Other Drug Abuse Awareness Month, with the theme "Community Concerns - Community Solutions." Mr. Peterson then explained some of the functions of the Counseling and Resource Center which works with alcohol and drug abusers. The proclamation was then read by the city clerk. A statement within the proclamation which read, "Whereas, there is an urgent need to educate and confront all citizens on the use and abuse of alcohol and other drugs," was

changed to read, "Whereas, there is an urgent need to educate and confront all citizens on the abuse of alcohol and other drugs." Commissioner Bemmels made a motion that the proclamation be approved as amended. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

Report on League of Kansas Municipalities Conference

Mayor Lister then stated that the City Commission and staff had just returned from the annual league conference in Wichita, Kansas, and that she would like to call upon the commissioners to share some of the information and things of interest that they encountered at the league meeting. Mayor Lister stated that the league membership now consists of 507 cities in the State of Kansas, which represents 99% of the population of the incorporated cities, and over 76% of the population of Kansas, and that over 100 cities were represented at the annual league meeting.

Commissioner Thompson stated that after returning from the league meeting, he was very thankful that he lived in Ottawa, Kansas, inasmuch as through some of the meetings and discussions he learned that many cities do not know how to pave a street or how to set up a benefit district to pay for paving a street. Commissioner Thompson further stated that he was very thankful that the citizens of Ottawa were foresighted in passing the one-half cent sales tax that has alleviated many of the financial problems of the City of Ottawa in areas such as snow removal. Mr. Thompson also said that it appears that many of the larger cities are out front in receiving government grants and that is due mainly because they have a professional staff which can put together the various packages required to receive the grants. The City of Ottawa, being among some of those cities that have that expertise within the staff, has been able to properly make application for government grants. Mr. Thompson also reported that he thought the City of Ottawa was lagging in some areas, such as cooperation between city and county to alleviate the duplication of services and to better utilize the equipment that is owned both the city and the county. In addition, some of the cities in Ottawa's trade territory have professional industrial and commercial recruitment programs, which the City of Ottawa is lacking.

Commissioner Bemmels spoke next, stating that he, being a new commissioner, welcomed the opportunity to go to school and speak with other city officials. Mr. Bemmels stated that he was particularly interested in speaking with Charlie Angel and Joe Harkins, Director of the Kansas Water Office, concerning the state's water, both as to quantity and quality. Mr. Bemmels stated that it is a known fact that we in Ottawa are extremely fortunate that we have the Marias des Cygnes River with its two dams upstream which will supply us with water for many years to come; however, some of the cities in western Kansas are not nearly so fortunate as the City of Ottawa. Another area that Mr. Bemmels found particularly interesting was the containment of telephone costs with the coming divestiture of AT&T. Again, many of the suggestions that were offered in controlling telephone costs were such things as owning your own telephone system, which the City of Ottawa has already accomplished.

Commissioner McCrea stated that he was most interested in a workshop entitled "Making the Most of Your Insurance Dollars." The League of Kansas Municipalities has made arrangements for a firm in Iowa to come into any city requesting it to establish values of the city's assets before a quote for insurance can be made. When the insurance quote is made, it will come through a local agent so we are not insuring ourselves with out-of-town agents. Commissioner McCrea stated that there may be many areas in the City of Ottawa in which we are underinsured and really not be aware of the situation. Mr. McCrea stated that he gave the city's name to the representative of

this company and the city should be contacted early next year as the city begins to look into a new insurance package.

Mayor Lister then stated that before the City Commission meeting went off the air, she would like to extend sympathy to the family of Marvin Holmes, an employee of the City of Ottawa who died while working a few days ago. Mayor Lister then stated that the foremost thought she had brought from the Wichita meeting was the opportunities that city officials and cities face today. She pointed out that the Chinese symbol for crisis consists of two symbols--one for opportunity and one for danger. Mayor Lister stated that she felt that we should exploit the opportunities that are before us for the good of our cities, and it behooves all city officials to be aware of their stewardship and the making of their decisions for the good of the public.

Comments

Mrs. Wanda Durbin, 527 S. Locust, appeared before the City Commission, stating that according to an article in the Ottawa Herald on September 21, 1983, the trip to New Orleans to attend the National League of Cities conference cost approximately \$195 per person airfare and \$150-200 per person registration. If those figures are correct, why was the total cost of the trip \$6,969? Mrs. Durbin stated she also wanted to know how much the recent trip to Wichita had cost, and if the taxpayers would be informed of the cost of the downtown improvements over the contract price for the city labor, the city water and light department labor and the cost of the N. Main project, for which a contract had to be let because the city employees were tied up on the downtown project.

Mayor Lister answered Mrs. Durbin that the proper way to secure the information was to fill out a written request, stating the information desired, and to file the request with the city. This format of securing information is set forth by recent legislation by the State of Kansas. Mrs. Durbin then stated that she had been informed that she will have to pay for this information, and Mayor Lister stated that that provision is also set forth by Kansas Statute.

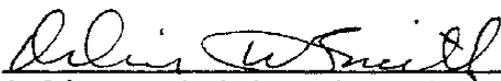
The city clerk then stated that according to the recent law enacted by the Legislature of the State of Kansas, a person securing information must fill out a form requesting the specific information desired and that they will be charged for the information based on the staff time, computer time or a cost for copying on an at-cost basis. The staff time will be based on the hourly wage rate of the person who compiles the information requested.

Commissioner Thompson then stated that when the downtown project is completed a public hearing must be called at which time the property owners will be informed as to the amounts of their special assessments for the completed project. Insofar as determining the cost of the water and light department working in the area, it could probably be calculated if one were to spend enough time on it, but as long as the water crews are working eight hours a day, five days a week, Mr. Thompson said he didn't really feel it made much difference whether they were working on Main Street or on N. Main. One or the other of the projects would have to be contracted for. It was also stated that the work being done in the downtown area by the water crews was done in an effort to hold down the cost of the project to the taxpayers since these are more or less normal functions of the water department. The city manager and Commissioner McCrea both stated that the city had no option on the timing of the N. Main project or the 7th Street project since both of those projects were state projects and the city had to move in and get the water lines in place and move out in order to make way for the state contractor to complete his job.

Mayor Lister then stated that the city spends much time studying and devising ways in which to accomplish various projects at the minimum cost to the taxpayers of the city. Further, Mayor Lister stated that she thought it was very important for the City Commissioners to attend the various meetings and conferences for city officials, that only through this kind of dedication where former city officials have taken time off from their jobs to attend the various conferences, has the city been able to keep abreast of the happenings and to keep the city moving in the proper direction.

Mrs. Durbin said that she thought possibly the city should send only one delegate to the various meetings. It was explained to Mrs. Durbin that at this type of conference, many meetings or workshops are carried on simultaneously and the members of the City Commission attend the various meetings and then share the information they have received with each of the other individual commissioners. Only through this method of attendance can the City Commissioners be informed.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 19, 1983

The City Governing Body met in regular session at 9:35 a.m. this date.
Present: Mayor Lister and Commissioners McCrea, Thompson and Bemmels.
Absent: Commissioner Heathman.

Approval of Minutes

The minutes of the last regular meeting held October 5, 1983, were approved as written.

Ordinance No. 2753-83 - Bicycles on Sidewalks in the Central Business District

Commissioner Bemmels made a motion that an ordinance amending the Municipal Code regulating the use of bicycles on sidewalks in the Central Business District be passed. The motion was seconded by Commissioner McCrea, who then read from the text of the ordinance as follows: "Bicycle riding in the downtown business district. It shall be unlawful to ride a bicycle on the sidewalks abutting Main Street in the downtown business district. For the purpose of this ordinance, the downtown business district is defined as beginning at the north line of First Street thence running south to the north line of Fifth Street. A violation of this section is a Class D misdemeanor."

Commissioner McCrea then suggested that the downtown business district boundaries be expanded to encompass the east/west direction, being from Walnut to Hickory Street, the question being if bicycle riding on the sidewalks on Main Street in the Central Business District is prohibited, would it be okay to ride bicycles on the side streets from Walnut to Main or from Hickory to Main. It was the consensus of the City Commission that this ordinance be passed as written, and at such time as the Central Business District improvements project is completed, then complete regulations for the riding and parking of bicycles in the Central Business District could be established. Upon call for the question, all present voted in favor of the motion.

Ordinance No. 2754-83 - Amendment to Electric Code

Commissioner Thompson made a motion that an ordinance providing for certain amendments in Chapter VI in the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Section 6-309 of said code, and providing for the incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner McCrea. The ordinance sets forth certain rules and regulations pertaining to electrical wiring in the city, specifically the type of fuses that may be used, setting forth that a permit is required for electrical wiring, specifying that service entrances must be as directed by the inspection division of the city, locations of electrical meters, providing for the inspection of electrical work and providing for the type of wiring allowed in specific types of buildings. Commissioner McCrea stated that in various conversations he had had with electricians doing business in the city, the electricians were in accord with the passage of this ordinance. Upon call for the question, all present voted in favor of the motion.

Consider Recommendation of Planning Commission Pertaining to Zoning

Commissioner McCrea made a motion that the City Commission affirm the Planning Commission's decision to deny a request for rezoning a tract of land located at 410 W. 19th Street from R-S (Residential Suburban) to C-1 (Neighborhood Commercial). The motion was seconded by Commissioner Bemmels.

Mr. Paul Gaynor, owner of the property, appeared before the City Commission and stated that he had bought the building and the adjoining property in 1957, and since that time the building had been used for many purposes, including that of a transfer and storage company for furniture refinishing, for the sale of antiques, for storage and even for small engine repair. Mr.

Gaynor stated that he had had an opportunity to sell the building to a person who operated a furniture business in both Osawatomie and Louisburg, and the party interested in purchasing the building planned to use it for an antique business. Mr. Gaynor stated that the south half of the property is presently zoned commercially, but the north half is zoned R-S (Residential Suburban). Mr. Gaynor said that he was at a loss as to how the building could be used in the future unless it could be zoned for commercial purposes.

Dr. John Thornburg, Chairman of the Planning Commission, commented that Mr. Gaynor was asking for advance zoning for the opportunity to sell the property for commercial purposes, and the new owner may not take care of the property as well as Mr. Gaynor had in the past. Dr. Thornburg also stated Mr. Gaynor might petition the Board of Zoning Appeals for a special use permit, but the Planning Commission did not consider the property a good commercial location. The Southwest Neighborhood Land Use Plan which the Planning Commission is presently working on, shows the property for residential purposes, and felt that a shopping center in that area should be located at least one mile from the present shopping center, and 19th Street already has a traffic problem and the Planning Commission did not wish to add to that problem by allowing commercial uses in the area. Dr. Thornburg stated that he thought the zoning change might be good for the individual involved, but not for the good of the community.

Commissioner Bemmels asked if the Planning Commission might look favorably upon a special use permit for mini-storage in the building. It was pointed out, however, that the Planning Commission does not consider special use petitions, but those petitions are considered by the Board of Zoning Appeals.

Mr. Gaynor then emphasized the fact that he was at a loss as to how the building could be used. Mr. Bemmels made a motion that action on this matter be tabled, but the motion died for lack of a second. Upon call for the question, Commissioners McCrea and Bemmels voted in favor of the motion. Commissioner Thompson and Mayor Lister voted opposing the motion. Mayor Lister then stated that a tie vote is considered as a no vote, and the matter would be returned to the Planning Commission for their further consideration.

Ordinance No. 2755-83 - Temporary Uses

Commissioner Bemmels made a motion that an ordinance amending and modifying Ordinance No. 2713-82 to set forth regulations pertaining to temporary uses by specifically amending Article XXVI with the addition of a new Section 5, be passed. The motion was seconded by Commissioner McCrea.

It was discussed that Ordinance No. 2755-83 sets forth temporary uses which may be allowed in certain zoning classifications, consisting of sidewalk sales, Christmas tree sales, contractors' offices, real estate offices, seasonal sales, carnivals and circuses, garage sales and charitable sales or services, and in many instances sets forth the time limit for which these temporary uses may be allowed. Upon call for the question, all present voted in favor of the motion.

Proclamation - National Medical Assistants Week

Mrs. Doris Ledom, representing the Medical Assistants of the City of Ottawa, was present and commented that she was very pleased that the City Governing Body was proclaiming the week of November 1-4, 1983, as National Medical Assistants Week. Mrs. Ledom further stated that it was very appropriate in that the Ottawa Medical Assistants are sponsoring an educational seminar for medical assistants this week at Ottawa University. Mrs. Ledom also stated that the medical assistants program was started in the state of Kansas. Commissioner McCrea made a motion that the proclamation be approved. The motion was seconded by Commissioner Thompson, and all present voted in favor of the motion.

Announcements

Mayor Lister announced that there would be a Housing Workshop held at the Ottawa Middle School this coming Saturday, October 22, 1983. The workshop will consist of two sessions, one on landlord and tenant rights and the other on buying a house. Each session will be offered twice, so that interested persons could attend both sessions. Mayor Lister stated that the workshop should be of interest to persons in the following situations:

- A tenant interested in the existing Section 8 housing program;
- A landlord who would want to participate in the Section 8 existing program;
- Persons interested in knowing what rights exist for either tenant or landlord;
- Persons interested in ways to finance the purchase of a home;
- Persons wanting to know what state and federal help is available for the purchase of housing; or
- Any concerned citizen who wants to help his or her community.

There being no further business to come before the City Commission, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 2, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Heathman, McCrea, Thompson and Bemmels. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held October 19, 1983, were approved as written.

Report of Planning Commission Meeting

~~The~~ City Planning Commission met in regular session on November 1, 1983 at 7:00 p.m. in City Hall. Present: Chairman Thornburg and members Wellington, Underwood, Searls, Koch, Spears and Jackson. Absent: none.

The minutes of the last regular meeting held October 4, 1983 were approved as written.

The Planning Commission reconsidered a request submitted by Paul Gaynor to rezone a tract of land generally located at 410 West 19th Street from R-S (Residential Suburban) to C-1 (Neighborhood Commercial). This was returned to them for review as a result of the City Commission's failure to take action on their previous recommendation. The Planning Commission voted 7-0 to reaffirm their previous recommendation to deny the request.

The Planning Commission continued its discussion of the Southwest Neighborhood Land Use Plan. They addressed two issues in this meeting: collector roads and future land use. The Planning Commission decided on a preliminary collector road design, and briefly discussed the types and potential locations for commercial districts in this area.

There being no further business before the Planning Commission, the meeting was adjourned.

At the conclusion of the reading of the report of the Planning Commission meeting, Commissioner McCrea asked if a list of reasons and conditions for recommending that the property located at 410 W. 19th not be rezoned to C-1 (Neighborhood Commercial) was something that had been compiled by the Planning Commission at their meeting on November 1, or if it had been previously discussed. The city manager reported that the list of reasons and conditions to which Mr. McCrea referred were compiled at a recent study session by the Planning Commission, but the items had been discussed throughout the hearing on the request for rezoning of this property.

Commissioner Thompson made a motion that the report of the Planning Commission meeting of November 1, 1983, be approved and entered into the official record of the city. The motion was seconded by Commissioner Bemmels. On call for the question, all present voted in favor of the motion.

Approval of City Investment Schedule

The City Investment Schedule of idle funds for October 1983 was submitted to the City Commission for its review and approval. Commissioner McCrea made a motion that the City Investment Schedule existing as of October 31, 1983, be approved, stating that as of that date the city had \$5,635,000 invested at an average interest rate of 9.27 percent, with a high interest rate of 9.86 percent and a low interest rate of 8.69 percent. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Request for Parade

A letter from the Ottawa Retail Association requesting permission to hold a Christmas parade on Saturday, December 3, 1983, at 10:00 a.m. was read. The

THE CITY OF OTTAWA

CITY HALL

(913) 242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF OCTOBER 31, 1983

8-4	37661	Elec. B. & I.	100,000	11/4/83	F.N.B.	9.47
8-4	37662	Gen.	100,000	11/4/83	F.N.B.	9.47
8-4	37663	Water	100,000	11/4/83	F.N.B.	9.47
8-11	37667	Elec.	200,000	11/10/83	F.N.B.	9.65
8-11	1420	Elec.	100,000	11/10/83	K.S.B.	9.71
8-11	1421	Elec. Const.	100,000	11/10/83	K.S.B.	9.71
8-11	0668	Gen.	300,000	11/10/83	P.N.B.	9.70
8-11	0669	E. B. Res.	500,000	11/10/83	P.N.B.	9.70
8-11	0670	W. R. E. S.	100,000	11/10/83	P.N.B.	9.70
8-11	0671	Elec.	100,000	11/10/83	P.N.B.	9.70
8-25	1426	Elec. Const.	100,000	11/25/83	K.S.B.	9.23
8-25	1427	Elec. Const.	200,000	11/25/83	K.S.B.	9.23
8-25	0699	Water	200,000	11/25/83	P.N.B.	9.26
5-6	9981	Aud.	20,000	11/4/83	K.S.B.	8.429
8-30	8488	Aud.	15,000	2/29/84	K.S.B.	9.78
6-1	106346	Water	100,000	12/1/83	Fr.Sav.	9.4
9-1	0711	W. R. E. S.	200,000	12/1/83	P.N.B.	9.86
9-1	0712	Bond & Int.	100,000	12/1/83	P.N.B.	9.86
9-8	37675	Const.	100,000	12/8/83	F.N.B.	9.21
9-8	0726	Elec.	200,000	12/8/83	F.N.B.	9.21
9-8	0724	Elec.	100,000	12/8/83	P.N.B.	9.24
9-8	0723	R. S.	100,000	12/8/83	P.N.B.	9.24
9-8	0722	Elec. B. & I.	100,000	12/8/83	P.N.B.	9.07
9-22	0745	Elec.	100,000	12/22/83	P.N.B.	9.07
9-22	27686	W. Bond Res.	100,000	12/22/83	F.N.B.	9.08
9-22	7495	E. Const.	400,000	12/22/83	K.S.B.	9.31
10-13	792	Gen.	200,000	1/12/84	P.N.B.	9.01
10-27	37692	Gen.	200,000	1/26/84	F.N.B.	8.83
10-27	37693	W. Bond Res.	100,000	1/26/84	F.N.B.	8.83
10-27	37694	Elec.	100,000	1/26/84	F.N.B.	8.83
10-27	1446	E. Bond Res.	100,000	1/26/84	K.S.B.	8.88
10-27	1447	Gen.	100,000	1/26/84	K.S.B.	8.88
10-27	1448	Sewer	100,000	1/26/84	K.S.B.	8.88
10-27	1449	Sewer	100,000	1/26/84	K.S.B.	8.88
10-27	1450	Water	100,000	1/26/84	K.S.B.	8.88
10-27	1451	Elec.	300,000	1/26/84	K.S.B.	8.88
10-27	817	Elec.	100,000	1/26/84	P.N.B.	8.69
10-27	816	Water	100,000	1/26/84	P.N.B.	8.69
10-27	818	Elec.	100,000	1/26/84	P.N.B.	8.69

TOTAL

5,635,000

AVERAGE

9.27

letter stated that the assembly position of the parade will be at Forest Park, to proceed from there to City Park for disbanding, and that parking be restricted on the east side of Main Street in the 300 block and on the streets surrounding City Park to avoid traffic congestion. It was reported that the request for restricted parking on the east side of Main in the 300 block is for the performance of some small cars which will be in the parade and for the safety of observers. It was also reported that Oren Skiles, Director of Public Safety, was present at the meetings where the parade was being discussed and he is aware of the requests for parking restriction.

Commissioner Bemmels made a motion that the request for a parade as submitted by the Ottawa Retail Association be approved, and the request for parking restrictions in front of the courthouse and around City Park be approved subject to the final approval of the Department of Public Safety. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Award Contract for Retubing of Boiler on Stag Generating Unit

Commissioner McCrea made a motion that a contract in the amount of \$174,741 be awarded to the Hughes Machinery Company for the retubing of the Stag unit's heat recovery boiler system. The motion was seconded by Commissioner Thompson. It was discussed that the only other proposal received for this retubing of the boiler was from General Electric in the amount of \$191,703. The Hughes Machinery Company provided references to the city, which verified that the Hughes Machinery Company was well experienced in this type of work. It was also pointed out that retubing of the stag unit's heat recovery system is a standard maintenance item and not an unexpected occurrence. Upon call for the question, all present voted in favor of the motion.

Award Contract for Construction of Southwest Main Sewer Extension No. 3 - Part 4

Commissioner Thompson made a motion that a contract in the amount of \$10,743 for the construction of the Southwest Main Sewer Extension No. 3 - Part 4 be awarded to M.T.C. Inc. The motion was seconded by Commissioner Bemmels. The city manager reported that the only other bidder on this project was the Eureka Pipe Company of Oak Grove, Missouri, and their bid was in the amount of \$11,657. The entire sewer project consists of placement of approximately 455 feet of sewer pipe. Upon call for the question, all present voted in favor of the motion.

Appointment to the Franklin County United Way Board of Directors

Mayor Lister announced that she was submitting the name of Jack Patty to fill the unexpired term of Herman VanArsdale on the Franklin County United Way Board of Directors. Mrs. Lister also stated that she was unsure at this time as to the exact length of Mr. VanArsdale's unexpired term. This board has undergone recent reorganization and some confusion exists as to the length of terms of office. Commissioner Bemmels made a motion that the appointment of Jack Patty to fill the unexpired term of Herman VanArsdale on the Franklin County United Way Board of Directors be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 16, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Heathman, Bemmels, Thompson and McCrea. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held November 2, 1983, were approved as written.

Consider a Reaffirmed Recommendation from the Planning Commission

Commissioner McCrea made a motion that the reaffirmed recommendation from the Planning Commission that a request to rezone a tract of land generally located at 410 West 19th Street from R-S (Residential Suburban) to C-1 (Neighborhood Commercial) be denied, be upheld by the City Commission. The motion was seconded by Commissioner Thompson. Mayor Lister stated that the recommendation had been returned to the Planning Commission by the City Commission as a result of a 2-2 vote in favor of the recommendation at a previous meeting. The 2-2 vote resulted in a negative vote.

Commissioner Heathman stated that inasmuch as this property is located on the same side of 19th Street as the county shops and adjacent to the county shops, he thought the property should be rezoned as requested by the owner.

Commissioner Thompson stated that the last time the City Commission voted on this issue, he did not feel he had sufficient information to form a proper opinion on the matter, but since the earlier vote by the City Commission, the Planning Commission had provided the City Commission with additional information on the subject and he feels more qualified to vote on the issue at this time.

Commissioner McCrea stated that since the last time the matter had been before the City Commission, he had been furnished with copies of the minutes from the Planning Commission meeting where this matter was reconsidered, which indicated that the Planning Commission had spent considerable time studying the issue and there were nine reasons set forth in support of denying the rezoning request.

Commissioner Bemmels stated that this was a very difficult decision for him inasmuch as he had been a personal friend for over forty years of the property owner, but he must decide on the basis of what he considers to be best for the city.

Mr. Paul Gaynor, owner of the property, appeared before the City Commission and stated he did not hold any ill feelings toward anyone concerning the matter, but the application had been submitted to the Planning Commission the first part of March of this year, and he has been over six months getting an answer on the issue. He stated that he felt he should have had a more prompt reply from the Planning Commission and City Commission. Upon call for the question, all present voted in favor of the motion except Commissioner Heathman who voted opposing the motion.

Award Contract for Skunk Run Storm Drainage Improvements

Mayor Lister stated that the city had opened bids for Phase V of the Skunk Run Storm Drainage Improvement project and the city is in receipt of a letter from Mr. Jerry Johnson, A. C. Kirkwood & Associates, recommending that a contract be awarded to Tillery Construction, Inc. in the amount of \$432,024.30 for that improvement.

Commissioner Thompson made a motion that a contract be awarded to the Tillery Construction, Inc. of Overland Park, Kansas, in the amount of \$432,024.30 for Phase V of the Skunk Run Storm Drainage improvement project. The motion was seconded by Commissioner Bemmels. It was discussed that the city was most fortunate in having eight bidders on the

project, with the two lowest bids being extremely close (Meadows Construction Co. of Tonganoxie, Kansas being approximately \$2,000 higher than Tillery Construction, Inc.) Construction is to begin within ten days after issuance of a notice to proceed, and is to be completed within 210 days after the issuance of said notice. Upon call for the question, all present voted in favor of the motion.

Adoption of Amended Policy Concerning Issuance of Industrial Revenue Bonds

Commissioner Bemmels made a motion that the amended policy statement of the city regarding the issuance of Industrial Revenue Bonds be adopted. The motion was seconded by Commissioner McCrea. Mayor Lister opened discussion by stating that the policy statement now also contains an application form and requires a \$1000 non-refundable fee to cover some of the city's expenses incurred in issuing Industrial Revenue Bonds.

Commissioner McCrea stated that the amended policy statement is a continual update of the city's policy concerning the issuance of Industrial Revenue Bonds, and refinements will continue to be made in the policy as it is deemed necessary.

Commissioner Thompson stated that even though the policy statement is larger than it has been in the past, it did set things out more clearly and he thought it was more beneficial to those persons requesting the issuance of said bonds. Upon call for the question, all present voted in favor of the motion.

Proclamation - Energy Awareness Week

A proclamation proclaiming the week of December 3-9, 1983, as Energy Awareness Week was read by the city clerk. A motion approving the proclamation was made by Commissioner McCrea, seconded by Commissioner Bemmels, and all present voted in favor of the motion.

Proclamation - Farm/City Week

A proclamation proclaiming the week of November 18-24, 1983, as Farm/City Week was read by the city clerk. A motion for approval of the proclamation was made by Commissioner Bemmels, seconded by Commissioner Thompson and all present voted in favor of the motion.

Remarks of the Mayor

Mayor Lister commented that there were quite a group of people attending the State Water Plan hearing which was held at the Ottawa Middle School on Monday, November 7, 1983. The purpose of the meeting was to discuss stream flows in the various cities within the area. Utility Director Jack Davis and Mayor Lister attended representing the City of Ottawa.

Mayor Lister further commented that tomorrow, November 17, 1983, is the membership meeting of the Kansas Municipal Energy Agency, and that she and Commissioner Bemmels would be in attendance.

It was also announced that various members of the City Commission and city staff would be attending the National League of Cities conference in New Orleans prior to the next Commission meeting. The topic of discussion for the conference is City Leadership in a Changing World.

There being no further business to come before the City Commission, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 21, 1983

The City Governing Body met in special session at 3:00 p.m. this date. Present: Mayor Lister and Commissioners McCrea, Thompson, Heathman and Bemmels. Absent: None.

Mayor Lister called the meeting to order, stating that this special meeting had been called for the purpose of holding a public hearing on the unilateral annexation of a tract of land bounded on the west by the City of Ottawa, on the north by Wilson Street, on the south by the Ottawa Country Club, and on the east by Davis Road. The mayor then called on the city manager to report on the plans and availability of municipal services for this area. Following are the statements of the city manager concerning these topics.

The general area is developed primarily for residential purposes and the area presently contains one single-family dwelling. The area under consideration is bordered on the north by Wilson Street, on the east by Davis Road, and Ottawa Country Club to the south. Both Davis Road and Wilson Street are county arterials and are in good condition.

The area has immediate access to a six inch city water main and there are no sanitary sewers presently serving this tract. It is feasible to locate sanitary sewers in this area, but it would be costly due to anticipated rock. The city policy requires that developers construct the sewers within their subdivision and the city will extend the main to the property line. Inasmuch as the area under consideration is contiguous to the city on three sides, it will have immediate access to city fire protection. The city has a combined fire and police department that can deploy forty-two public safety personnel for fire protection and the city has fire equipment consisting of three pumper trucks, a 75-foot American LaFrance Waterchief fire truck, one rescue and utility panel truck, a chief's car, two detectives' cars, a 16-foot rescue boat and a small maintenance tractor. The area could experience immediate police protection and it will not require additional personnel or capital outlay.

The area is located in the U.S.D. 290 School District, which means that the affected area and inhabitants have access to the Ottawa Recreation facilities and programs.

The existing structure on this property is presently served by the City of Ottawa's electric and water distribution systems, but if annexed the occupants would be charged a lesser rate for those services.

Regarding schedule of service delivery, this area presently has access to police protection, and this is financed through ad valorem property taxes. The area has access to fire protection and this also is financed through ad valorem taxes. The area presently has access to a six-inch water main and this is financed through a user charge for water supply, with the city being responsible for extending the service to the property owner if the property is located within sixty feet of existing service, and the cost of any additional footage is borne by the property owner. There presently is no access to a sewer main, and if the property should develop, the owner would be responsible for extending the sewer main to his property line, and the city-at-large would be responsible for constructing the city sewer main to the property line. The area is presently served by east Wilson Street and Davis Road. Any local streets within the area if developed, would have to be provided by the developer. The City of Ottawa maintains all streets fully inside the city limits, and this is funded by the General Fund. Forest Park is located in the immediate area and is funded through the General Fund. The area is already being served by this park. The area is presently being served by U.S.D. 290 School District, and this is funded in part by ad valorem taxes.

Mr. Watkins stated that the property owner who resides on this tract at the present time is paying the rural rate for utility services. If the property owner used 600 cubic feet of water and 700 kilowatt hours of electricity each month, he would save about \$249.00 per year by paying the city urban rate as opposed to the rural residential rate for these utilities.

Mr. Leonard W. McAnarny, attorney, appeared before the City Commission representing Mr. Yockey. Mr. McAnarny stated that he did not see why the city wished to annex Mr. Yockey's property. He then asked if the city saw a current need for the land or if a developer is interested in the property. Mr. McAnarny was answered that to the city's knowledge there are no present plans for development of the properties. Mr. McAnarny stated that the owner of the land does not wish to be annexed and he cannot understand why the city would want to annex his property if there are no pending plans for development. Mr. McAnarny further stated that for the city to annex the land, there should be a need for the land and not just to force someone into the city. Mr. McAnarny asked if the city had repealed a part of Ordinance No. 2687, which had the effect of annexing this tract of land approximately two years ago. He was answered that the city has not repealed a part of Ordinance No. 2687 in that the District Court ruled that the city could not annex the land at that point in time under unilateral annexation. Mr. McAnarny stated that the District Court could not in effect change an ordinance, but could only order the city to do so; and if the city had not repealed that part of Ordinance No. 2687 which in effect annexed this tract of land, then the city was probably in error at this point attempting this annexation. Mr. McAnarny then gave reference to a corridor along the south boundary of this property, which inferred that the property may not have a common boundary with the city limits on its south line.

The city manager stated that he was not aware of any such corridor and that he would have the city attorney check into the possible existence of the corridor and other legal matters which Mr. McAnarny had raised.

Mr. McAnarny then asked why the city wished to annex this tract of land. The city manager stated that the reasons were 1) to square up the city boundaries, 2) to clear up a jurisdictional problem on east Wilson Street which presently has one-half of the street inside the city limits and one-half of the street outside the city limits, 3) there was interest expressed a few years ago to construct a nursing home on this tract of land and the city would like to have zoning and construction jurisdiction over this tract of land before it does develop, and 4) the property presently has many benefits derived from the City of Ottawa and it is felt that the property should pay its fair share of taxes for these benefits.

There being no further discussion on the proposed annexation, Commissioner McCrea made a motion that the hearing be continued until 9:45 a.m. December 7, 1983. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - December 7, 1983

The City Governing Body met in regular session at 9:35 a.m. this date. Present: Mayor Lister and Commissioners Bemmels, Heathman, McCrea and Thompson. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held November 16, 1983, and of the special meeting held November 21, 1983, were approved as written.

Public Hearing - Industrial Revenue Bond Issue

Mayor Lister opened discussion by stating that at this time a public hearing to consider the issuance of Industrial Revenue Bonds in the amount of \$2,000,000 for the acquisition and renovation of the North American Hotel would be held at this time. Mayor Lister then called upon Mr. Martin Nohe of George K. Baum & Co., investment bankers, to explain the proposed financing of the project.

Mr. Nohe explained that the issuance of the \$2,000,000 required for this project would utilize both state law and federal law. Insofar as state law is concerned, the \$2,000,000 would be an Industrial Revenue Bond issue. Insofar as federal law is concerned, this would be a multi-family housing rental revenue bond issue. To utilize the federal law aspect of the financing, the project must remain a rental unit for the duration of the bond issue and twenty percent of the units must be set aside for persons whose income does not exceed the moderate-income level for this area. The bond issue will be a little different insofar as Industrial Revenue Bonds are concerned as investors consider rental housing units a more risky investment than such a bond issue would be for a manufacturing concern. Under this type of issue, timely payment of principal and interest will have to be guaranteed by one or more of five credit mechanisms, which are: FHA insurance, a guarantor, a letter of credit, collateral equity, or a private insurance policy. The bond offering, hopefully, will be in late winter or spring, and the exact amount of the issue is unknown as yet, but in accordance with the resolution before the Governing Body this day, the issue cannot exceed \$2,000,000. An appraisal of the feasibility of the project will determine the amount of bonds which may be issued. The ownership will have to provide twenty percent of the monies involved in the construction and reconstruction of the hotel, and it is thought that the actual issue will be between \$1.5 and \$1.7 million. There will be no subsidy provided for the renters of the units.

Mr. Bob Purvis of GRP Investment Inc. then spoke to the City Commission and presented a drawing of the proposed project. Mr. Purvis proposes to use the existing North American Hotel structure and erect another twenty-five foot front structure immediately north of the hotel in a manner which closely matches the construction of the hotel. This will approximately double the capacity of the present structure. The completed project will have a total of forty-four units, with 24-hour security. There will be twelve 2-bedroom units, twenty-eight one-bedroom units, and four studio units. It is also proposed that the building immediately north of the present coffee shop be acquired and will be used for a restaurant. The size of the restaurant will be controlled by the size of the apartment complex. The dress shop which is presently in this building will be relocated in the community. Parking for the tenants will be provided approximately one-half block from the apartment building. The building proposed to be used for parking is the present Michelin Tire Store.

In response to a question by Commissioner Heathman concerning whether or not the tenants of the building would use the provided parking, Mr. Purvis stated that the tenants' cars will be taken to the parking garage and brought to the tenants as they are requested. The face of the building to be constructed will as closely match the existing structure as possible.

Mr. Nohe then interjected that the project will not utilize either a sales tax exemption or a real estate tax abatement as provided by Kansas law. Further,

the construction would conform to the building code requirements of the City of Ottawa.

On call for comments from those in attendance, Mr. Randy Roseberry stated that he felt the use of Industrial Revenue Bonds to construct apartment structures created unfair competition to those persons in town who owned apartment buildings which could not get the same low interest rates. On question from Mr. Bemmels, Mr. Purvis explained that the process of matching the existing brick is through the use of steel studs and expanded metal on which a brick design is imprinted and then is sprayed with colored masonry.

Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Heathman and upon call for the question, all present voted in favor of the motion.

Resolutin No. 375 - Resolution of Intent to Issue \$2,000,000 in Industrial Revenue Bonds

Commissioner McCrea made a motion that a resolution approving a project for GRP Investment Inc., a Missouri corporation, and determining the intent of the City of Ottawa, Kansas, to issue its Industrial Development Revenue Bonds in an amount not to exceed \$2,000,000 to finance the cost of such project, be passed. The motion was seconded by Commissioner Thompson.

Mr. Nohe stated that there possibly may be more than one bond issue in that the residential portion and the so-called commercial protion consisting of the restaurant might have to be financed separately. The total issue still would not exceed \$2,000,000.

Upon a question from Mayor Lister, Mr. Watkins stated that he had been in contact with Kim Wells of Gaar & Bell, and the restaurant may not qualify for the bond issue along with the residential section. Mr. Purvis then stated that he had talked to Norman Gaar of Gaar & Bell, and the restaurant is being held to a maximum square footage of twenty-five hundred square feet and by so doing, it would qualify. Further, the parking garage will be considered as a part of the project and it will qualify under the financing. Upon a question of Mayor Lister, Mr. Purvis stated that it had been determined that there is a definite need for this type of housing in Ottawa, and this was learned through conversations with the Chamber of Commerce, the city manager, a realtor and other apartment owners in the city. Commissioner Thompson stated that he was very appreciative of the interest that Mr. Nohe and Mr. Purvis have shown in the City of Ottawa, and hopefully the city will get a building that has generated no tax revenues for a number of years back on the tax rolls, producing additional income for the city. There being no further discussion, the question was called. Mayor Lister and Commissioners Thompson, Bemmels, and McCrea voted in favor of the motion. Commissioner Heathman voted opposing the motion.

Continuation of Public Hearing on Proposed Annexation

Mayor Lister opened discussion on the subject by stating that at the beginning of the public hearing held November 21, 1983, a question was raised as to whether the city should repeal a portion of Ordinance No. 2687, which was an attempt to annex this property. Further, a question was raised concerning the legal description and the boundary of the property. The city manager responded that following the public hearing on November 21, he had talked to the city attorney, who said he felt the city did not need to repeal a portion of Ordinance No. 2687, as the removal of the property in question was done by a stipulation of the court and an agreement between Mr. Yockey and the City of Ottawa. Further, the city manager stated that the city attorney at that time felt comfortable with the legal description and the boundaries as described. However, since that conversation, a question has arisen concerning the legal description and the boundaries of this property as it pertains to the north edge of the property. Until we can have further conversation with the city attorney, Mr. Watkins recommended that the public hearing be continued to December 21, 1983.

Commissioner McCrea made a motion that in view of the question concerning the boundaries and the legal description of the property, the public hearing be continued to December 21, 1983. The motion was seconded by Commissioner Thompson and upon call for the question, all present voted in favor of the motion.

Presentation of Service Awards to City Employees

Mayor Lister read a record of service for the following employees: Leo Logan - 25 years; John Fritts - 10 years; Richard Hollon - 10 years; Jim Raby - 10 years; Larry Wilson - 10 years. See attached record of service made a part hereof.

Mayor Lister then presented each of the above mentioned employees with awards commemorating their respective years of service.

Report of Planning Commission

The City Planning Commission met in regular session on Tuesday, December 6, 1983, at 7:00 p.m. in City Hall. All members were present.

The Planning Commission reviewed a preliminary plat submitted by Sonshine Acres Subdivision located on West Fifteenth Street. By a 7-0 vote, the Planning Commission approved the preliminary plat subject to the following conditions: 1) that a frontage road along Eisenhower Road be added to the final plat; 2) verification of the availability of water to the subdivision; 3) verification of the adequacy of drainage easements in the subdivision to accommodate a 100 year flood.

The Planning Commission held a public hearing to consider the rezoning of a tract of land generally located at 635 Main from R-2 (Multi-Family Dwelling) to O-I (Office Institutional). After hearing presentations in favor and in opposition to the proposed rezoning, the Planning Commission continued the public hearing to the next regular meeting.

In a related matter, the Planning Commission voted 7-0 to call a public hearing to consider the rezoning of a tract of land generally located at 625 Main from R-2 (Multi-Family Dwelling) to O-I (Office Institutional).

The Planning Commission continued its discussion of the Southwest Neighborhood Land Use Plan and reviewed further land uses for the area.

The Planning Commission considered an agreement for Planning Services with Foresight, Inc. By a 7-0 vote, the Planning Commission decided to recommend that the City Commission approve the proposed agreement.

There being no further business the meeting was adjourned.

Commissioner Thompson made a motion that the report of the Planning Commission meeting be accepted and entered into the official record of the city. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Public Hearing - Budget Increase for 1983

Mayor Lister called to order a public hearing to consider increasing the street repair and rehabilitation budget for 1983 to \$575,217. Mayor Lister then called on the city manager to comment on the subject. Mr. Watkins stated that the city originally had a budget authority of \$325,000 for 1983, but due to the overlay of Main Street, the upgrading of Davis Road and other street improvement projects, the city needs additional budget authority for 1983 in order to meet its commitments from the street repair and rehabilitation fund. One of the reasons for the overexpenditure in the said fund this year is that many of the projects scheduled for 1982 did not get accomplished and had to be carried into 1983. The city has sufficient funds available to meet the required expenditures, but to comply with state law the city needs additional budget authority.

EMPLOYEE SERVICE AWARDS
CITY COMMISSION MEETING
DECEMBER 7, 1983

LEO LOGAN IS BEING RECOGNIZED TODAY FOR 25 YEARS OF SERVICE TO THE CITY OF OTTAWA IN THE DEPARTMENT OF UTILITES. ON AUGUST 15, 1958 LEO BEGAN AS A MAINTENANCE MAN AT THE POWER PLANT. HE WORKED IN THAT CAPACITY UNTIL JOINING SUPERINTENDANT CARL NUTT AT THE OTTAWA WATER TREATMENT PLANT IN THE FALL OF 1973. LEO WAS PROMOTED TO WATER TREATMENT PLANT SUPERINTENDANT IN APRIL OF 1980 AND CONTINUES TO SERVE IN THAT CAPACITY. THE UTILITIES DEPARTMENT HAS BEEN PLEASED WITH LEO'S EFFORTS IN THE LEADERSHIP OF HIS MEN, AND THEIR ADVANCEMENT IN KNOWLEDGE OF THEIR JOB SKILLS. HE DEALS WITH PEOPLE IN A POLITE AND EFFECTIVE MANNER, WHICH ENHANCES THE IMAGE OF THIS MUNICIPAL SERVICE. WE BELIEVE HIS WORK IS A VALUABLE ASSET TO THE CITY OF OTTAWA. WE CONGRATULATE AND THANK HIM FOR HIS TWENTY-FIVE YEARS OF SERVICE AND LOOK FORWARD TO HIS CONTINUED WORK WITH THE CITY OF OTTAWA.

JOHN FRITTS STARTED WORKING WITH THE CITY OF OTTAWA ON JULY 30, 1973 AS AN EQUIPMENT OPERATOR, AND HAS CONTINUED IN THAT CAPACITY THROUGHOUT HIS YEARS OF SERVICE WITH THE DEPARTMENT OF PUBLIC WORKS. IN ADDITION TO HIS SKILL AND EXPERIENCE AS AN OPERATOR, JOHN'S EXPERTISE AS A MECHANIC HAS PROVED VERY HELPFUL TO THE DEPARTMENT IN THE PURCHASE AND REPAIR OF EQUIPMENT. JOHN IS EXCEPTIONALLY RELIABLE, HAS A GOOD ATTITUDE TOWARD HIS FELLOW WORKERS, IS CONCIENTIOUS ABOUT PUBLIC RELATIONS AND IS ALWAYS WILLING TO HELP OTHERS. JOHN FRITTS IS A VALUABLE ASSET TO THE DEPARTMENT OF PUBLIC WORKS AND WE ARE PROUD TO COMMEND HIM FOR 10 YEARS OF SERVICE.

RICHARD HOLLON BEGAN WORKING FOR THE CITY IN THE UTILITIES DEPARTMENT AS A POWER PLANT OPERATOR ON JULY 30, 1973. SEVERAL YEARS AGO RICHARD BEGAN WORKING WITH THE POWER PLANT MAINTENANCE DIVISION SPECIFICALLY IN THE AREA OF DIESEL ENGINE MAINTENANCE. RICHARD'S SUCCESS IN THIS ASPECT OF POWER PLANT OPERATION HAS LEAD TO HIS BEING DESIGNATED AS THE MAN RESPONSIBLE FOR DIESEL ENGINE MAINTENANCE AND TESTING. THE UTILITIES DEPARTMENT BELIEVES THAT THE POWER PLANT MAINTENANCE CREW, OF WHICH RICHARD HOLLON IS A PART, IS ONE OF THE BEST AND WE COMMEND HIM FOR HIS CONTRIBUTIONS TO THAT DIVISION AND TO THE POWER PLANT OPERATION OVER THE PAST TEN YEARS.

JAMES RABY, DEPARTMENT OF PUBLIC SAFETY SERGEANT, STARTED TO WORK FOR THE THEN OTTAWA POLICE DEPARTMENT ON SEPTEMBER 9, 1972. HE WAS PROMOTED TO THE RANK OF SERGEANT ON JANUARY 6, 1979 AND HAS CONTINUED IN THAT CAPACITY. JIM HAS ATTENDED MANY SCHOOLS IN BOTH POLICE AND FIRE RELATED SUBJECTS, THE MOST RECENT BEING A LEADERSHIP SCHOOL CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION. JIM IS A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY'S ARSON INVESTIGATION TEAM AND IS VERY ACTIVE WITH BOYSCOUTS IN THE COMMUNITY. JIM HAS BEEN AN EXCELLENT EMPLOYEE OF THE CITY OF OTTAWA AND THE DEPARTMENT OF PUBLIC SAFETY. WE CONGRATULATE HIM ON HIS TENTH YEAR WITH THE CITY AND WITH THE DEPARTMENT.

LARRY WILSON, A PUBLIC SAFETY OFFICER, BEGAN WORKING FOR THE OTTAWA POLICE DEPARTMENT ON SEPTEMBER 15, 1973. LARRY SERVED AS A DISPATCHER FOR APPROXIMATELY 18 MONTHS AND WAS THEN PROMOTED TO THE POSITION OF PATROLMAN. WHEN THE DEPARTMENT OF PUBLIC SAFETY WAS FORMED, LARRY BECAME A PUBLIC SAFETY OFFICER AND SERVES IN THAT POSITION AT THIS TIME. LARRY HAS ATTENDED MANY POLICE AND FIRE RELATED SCHOOLS, HAS SPENT MANY HOURS FOR THE CITY ON DWI DETENTION AND APPREHENSION CLASSES AS WELL AS ON WORK IN THE FIELD, AND HAS RECENTLY COMPLETED A FIREMAN III COURSE FROM LOUISIANA STATE UNIVERSITY. THAT LEVEL IS THE HIGHEST DEGREE A PERSON MAY RECEIVE FROM LSU IN FIRE CORRESPONDENCE COURSES. LARRY HAS A GOOD WORK RECORD AND IS A FINE EMPLOYEE OF THE DEPARTMENT AND THE CITY OF OTTAWA. CONGRATULATIONS LARRY.

Commissioner McCrea made a motion that the street repair and rehabilitation fund budget for 1983 be increased from \$325,000 to \$575,217. The motion was seconded by Commissioner Thompson. All present voted in favor of the motion.

Review of Investment Schedule

Commissioner Bemmels made a motion that the schedule of investments existing as of November 30, 1983, indicating a total amount of \$5,635,000 invested at an average interest rate of 9.02 percent, be approved. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Assurance Statement for Forest Park Swimming Pool

Commissioner Thompson made a motion that the mayor be authorized to sign an statement of assurances concerning the operation and maintenance of the Forest Park Swimming Pool. The motion was seconded by Commissioner McCrea. The annual operation and maintenance assurance statement is required by the Kansas State Park and Resources Authority inasmuch as the Forest Park Swimming Pool was partially funded by the State Park and Resources Authority. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage License Applications

Applications for Cereal Malt Beverage License for 1984 were considered as follows:

The Other Place, 1020 N. Main
Clarence D. McIlvain, Owner and Operator
Consumption on premises

The Elks Club, 114-1/2 W. Second
Clarence Strickland, Manager
Consumption on premises

The Hickory Inn, 120 E. Dundee
Billie Galutia, Owner and Manager
Consumption on premises

The Hide-a-way, 1644 S. Main
Barbara Spears, Owner and Manager
Consumption on premises

Taco Tico, Inc., 1608 S. Main
Mark Meyers, Manager
Consumption on premises

Pizza Hut of America, Inc., 118 W. 15th
Lee A. Johnson, Manager
Consumption on premises

Fraternal Order of Eagles, 524 E. 15th
Hayward Brill, Manager
Consumption on premises

Pizza Village, 330 S. Main
James M. Jones, Manager
Consumption on premises

Poncho's, 429 S. Main
Opal J. Smith, Manager
Consumption on premises

Saddleback Lounge, 111 N. Main
William L. Osborn, Owner and Manager
Consumption on premises

THE CITY OF OTTAWA

CITY HALL

(913) 242-2190

OTTAWA, KANSAS 66067

INVESTMENTS EXISTING AS OF NOVEMBER 30, 1983

6-1	106346	Water	100,000	12/1/83	Fr. Sav.	9.4
9-1	0711	W.R.E.S.	200,000	12/1/83	P.N.B.	9.86
9-1	0712	Bond & Int.	100,000	12/1/83	P.N.B.	9.86
9-8	37675	Const.	100,000	12/8/83	F.N.B.	9.21
9-8	37676	Const.	100,000	12/8/83	F.N.B.	9.21
9-8	0726	Elec.	200,000	12/8/83	P.N.B.	9.24
9-8	0724	Elec. Const.	100,000	12/8/83	P.N.B.	9.24
9-8	0723	R.S.	100,000	12/8/83	P.N.B.	9.24
9-8	0722	Elec. B.&I.	100,000	12/8/83	P.N.B.	9.07
9-22	0745	Elec.	100,000	12/22/83	P.N.B.	9.07
9-22	37686	W. Bond Res.	100,000	12/22/83	F.N.B.	9.08
9-22	1437	E. Const.	400,000	12/22/83	K.S.B.	9.31
10-13	792	Gen.	200,000	1/12/84	P.N.B.	9.01
10-27	37692	Gen.	200,000	1/26/84	F.N.B.	8.83
10-27	37693	W. Bond Res.	100,000	1/26/84	F.N.B.	8.83
10-27	37694	Elec.	100,000	1/26/84	F.N.B.	8.83
10-27	1446	E. Bond Res.	100,000	1/26/84	K.S.B.	8.88
10-27	1447	Gen.	100,000	1/26/84	K.S.B.	8.88
10-27	1448	Sewer	100,000	1/26/84	K.S.B.	8.88
10-27	1449	Sewer	100,000	1/26/84	K.S.B.	8.88
10-27	1450	Water	100,000	1/26/84	K.S.B.	8.88
10-27	1451	Elec.	300,000	1/26/84	K.S.B.	8.88
10-27	817	Elec.	100,000	1/26/84	P.N.B.	8.69
10-27	816	Water	100,000	1/26/84	P.N.B.	8.69
10-27	818	Elec.	100,000	1/26/84	P.N.B.	8.69
11-4	37696	Water	100,000	2/2/84	F.N.B.	9.
11-4	37697	Gen.	100,000	2/2/84	F.N.B.	9.
11-4	37698	Elec. B.&I.	100,000	2/2/84	F.N.B.	9.
11-10	37699	Elec.	200,000	2/9/84	F.N.B.	8.89
11-10	8643	Elec.	100,000	2/9/84	K.S.B.	9.011
11-10	8644	Elec. Const.	100,000	2/9/84	K.S.B.	9.011
11-10	0850	Gen.	300,000	2/9/84	P.N.B.	8.9
11-10	0851	E. Bond Res.	500,000	2/9/84	P.N.B.	8.9
11-10	0852	R.E.S. Water	100,000	2/9/84	P.N.B.	8.9
11-10	0853	Elec.	100,000	2/9/84	P.N.B.	8.9
11-25	8658	Elec. Const.	100,000	2/23/84	K.S.B.	8.91
11-25	8660	Elec. Const.	200,000	2/23/84	K.S.B.	8.91
11-25	0880	Water	200,000	2/23/84	P.N.B.	8.91
8-30	8488	Aud.	15,000	2/29/84	K.S.B.	9.78
11-4	9981	Aud.	20,000	5/4/84	K.S.B.	9.25
	TOTAL		5,635,000	AVERAGE		9.02

Paxson's Super Saver, Inc, 602 S. Maple
Dana W. Stephenson, Manager
Package sales only

Andy's Service Station, 1115 W. 7th
Willard Cromwell, Manager
Package sales only

Waymire Price Chopper, 2008 Princeton Road
Charles F. Waymire, Manager
Package sales only

Working Man's Friend Oil Company, Inc., 304 Logan
James R. Carterman, Manager
Package sales only

Main Street Bait and Tackle, 429 N. Main
Katherine Benson, Manager
Package sales only

White Grocery, 720 W. 7th
Shirley L. White, Manager
Package sales only

Triple K Limited, d/b/a Casey's General Store, 1002 N. Main
Josephine W. Barkley, Manager
Package sales only

Pence Food Centers, Inc., 305 N. Main
Timothy E. VanLeyden, Manager
Package sales only

All Services Inc., d/b/a Rentmasters, 216 E. 23rd
Frances Kolody, Manager
Package sales only

It was reported by the city clerk that all applicants and firms had met the prerequisites set forth by State of Kansas statutes and City of Ottawa ordinances, and that appropriate fees had been paid. Commissioner McCrea made a motion that all applications for cereal malt beverage license for 1984 for consumption on premises as set forth above be approved for issuance of said license. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion. Commissioner McCrea made a motion that all applications for cereal malt beverage license for 1984 for package sales only as set forth above be approved for issuance of said license. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance No. 2756-83 - Amendments to Electrical Code

Commissioner Bemmels made a motion that an ordinance providing a certain amendment in Chapter XI of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically Section 6-309 of said code, and providing for incorporation of said amendment into the Municipal Code of the City of Ottawa, Kansas, 1982, be passed. The motion was seconded by Commissioner McCrea. It was discussed that Ordinance No. 2756-83 is written in such a way that as new National Electric Codes become available, they are automatically adopted by the City of Ottawa without need for specific ordinance adoption. Upon call for the question, all present voted in favor of the motion.

Resolution No. 376 - Authorizing the City Manager to Execute Certain Contracts

Commissioner Thompson made a motion that a resolution authorizing the city manager of the City of Ottawa, Kansas, to execute contracts No. 1 and 2 for wastewater system improvements in conjunction with E.P.A. Project No. C2009702

be passed, specifically relating to the recommendations of A. C. Kirkwood & Associates that Contract No. 1 in the amount of \$388,038.50 be awarded to Reed Construction Company of Kansas City, Kansas, and that Contract No. 2 in the amount of \$1,872,711.00 be awarded to Walters Morgan, Inc. of Manhattan, Kansas. The motion was seconded by Commissioner McCrea and upon call for the question, all present voted in favor of the motion.

Mayor Lister the deferred the report of the City Commission on their attendance at the National League of Cities convention in New Orleans, until the next regular meeting which is to be held December 21, 1983.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - December 21, 1983

The City Governing Body met in regular session at 9:35 a.m. this date.
Present: Mayor Lister and Commissioners Heathman, Bemmels, McCrea and Thompson. Absent: None.

Approval of Minutes

The minutes of the last regular meeting held December 7, 1983, were amended as follows: Page 104 under the heading "Public Hearing - Budget Increase for 1983" the statement is added that Commissioner Heathman asked for an itemization of the costs of the Central Business District improvement project. The balance of the minutes was approved as written.

Presentation of Retirement Plaques

Mayor Lister presented plaques to Mary Graham and E. J. Anderson, commemorating their years of service and retirement from the City of Ottawa. Mr. Anderson retired in December of this year with 22 years of service with the city, and Mrs. Graham retired in March of 1983 with 18 years of service with the city. Both Mr. Anderson and Mrs. Graham were present to receive their retirement plaques. A resume of the services performed by each of the retiring employees is as follows:

E.J. ANDERSON retired this year on December 16 after 22 years with the City of Ottawa. E.J. began working for the City in January of 1961 as the Highland Cemetery Sexton and continued to serve in that capacity through his retirement. In his years of service, E.J. has been the primary force in assuring the smooth operation of the cemetery. His ability to do that has been reflected over and over again through his efficient organization of personnel, equipment and time. In addition to his efficient management of the upkeep and operation of the cemetery, E.J. also maintains a remarkable command of the thousands of cemetery records. He has ably assisted several persons at city hall who have through the years been charged with the responsibility of maintaining the City Hall's copies of those records.

Perhaps the most valuable contribution E.J. has made in his 22 years with the city is one that cannot be measured in terms of efficiency or by any other method. Throughout those years the very nature of his job has required that he serve persons who have lost loved ones. E.J. has done so with patience, kindness, and compassion, which is no doubt the finest service he could perform for the City and the citizens of Ottawa.

E.J. is well liked and respected among City employees and his absence will be obvious to many. However, we wish him many happy years of retirement and in doing so thank him for so many years of fine service to the City of Ottawa.

MARY GRAHAM retired in March of this year after almost 18 years with the City of Ottawa. She came to City Hall in July of 1965 as a clerk-typist in the water and light department. From the fall of 1971 through the fall of 1976 she served as the secretary to the City Manager. And in November of 1976, Mary was promoted and assumed the responsibilities of the City Treasurer, the position she held at the time of her retirement this past spring.

Mary's experiences in a variety of positions with the City made her a valuable reference source to both new and veteran employees of the City of Ottawa. Her concern for her fellow employees was reflected in her willingness to assist them with questions and problems and her annual organization of the City picnic. Throughout her years with the City, Mary's working relationship with the public and her knowledge of her job duties and responsibilities made her invaluable.

Her service to the City of Ottawa will be appreciated and remembered for many years to come by those who worked with and came in contact with her. We extend thanks and appreciation to Mary, and best wishes to her in her retirement.

Ordinance No. 2757-83 - Redefining the City Boundaries

Commissioner McCrea made a motion that an ordinance defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and repealing ordinance No. 2722-82 of the City of Ottawa, Kansas, be passed. The motion was seconded by Commissioner Thompson. It was explained that according to Kansas Statutes, the boundaries of the city must be redefined each year, and this ordinance accomplishes that purpose. Upon call for the question, all present voted in favor of the motion.

Resolution No. 377 - Allocations of Hydroelectric Power

Commissioner Bemmels made a motion that a resolution of the City of Ottawa, Kansas, designating the Kansas Municipal Energy Agency as the city's agent and representative for the purpose of negotiating with the Southwestern Power Administration concerning the city's entitlement to an allocation of hydroelectric power and energy, agreeing to join as a defined Class A participant the hydropower pool being formed and to be administered by the Kansas Municipal Energy Agency with the consent of the Southwestern Power Administration and agreeing to enter into a hydropower pooling contract with the Kansas Municipal Energy Agency so as to accomplish the stated objectives, be passed. The motion was seconded by Commissioner Thompson. Mayor Lister called on City Manager, David Watkins, to explain the details of receiving hydroelectric power and the cost thereof.

The city manager explained that this is the city's first opportunity to receive hydroelectric power and that the power will be delivered through the transmission lines of two separate power companies prior to being received by the City of Ottawa. Arrangements for receipt of and payment for the power are through the Kansas Municipal Energy Agency. The city's initial allocation will be for 1200 hours of scheduled power for each year at a cost of approximately \$.055. All charges for the power are taken into consideration, such as the demand charge, the energy charge and the transmission charge. The City of Ottawa may be allocated an additional 600 hours of energy, which would be at a lesser cost than the original 1200 hours. The cost for the total of 1800 hours of energy would be approximately \$.035. The contract which the resolution authorizes is for a period of ten years. The cost of the energy is approximately the same as the city is paying to the Kansas City Board of Public Utilities at the present time. However, it is expected that the cost of hydropower energy will be more stable over the years than the cost expected to be paid to the Kansas City Board of Public Utilities for power. The details of the discussion concerning the contract for purchase of hydroelectric power is on tape in the office of the city clerk. Upon call for the question, all present voted in favor of the motion.

Continuation of Public Hearing - Annexation

The city manager reported that due to an error in the legal description of the tract of land located south of Wilson Street, west of Davis Road and north of the country club, which is proposed for annexation, he would recommend that these proceedings concerning the annexation be halted and that the city start anew in the annexation process regarding this tract of land. The city manager further explained that a 30-foot road easement was not taken into consideration when the legal description for this property was drawn, and there is a deficiency of 30 feet on the south boundary of the property. Commissioner Thompson made a motion that the public hearing on the annexation be closed. The motion was seconded by Commissioner McCrea. Upon call for the question, all present voted in favor of the motion.

Commissioner McCrea made a motion that the city not pursue annexation of this property through this series of public hearings. The motion was

seconded by Commissioner Bemmels and all present voted in favor of the motion.

Resolution No. 378 - Annexation

Commissioner McCrea made a motion that a public hearing be held at 3:00 p.m. February 27, 1984, at the City Hall, 4th & Walnut, to consider the annexation of the north thirty acres more or less of the northeast quarter of the southeast quarter of Section 25 Township 16 Range 19, Franklin County, Kansas. The motion was seconded by Commissioner Bemmels. This public hearing is to consider the annexation of the property for which the annexation proceedings were just halted as a result of an error in the legal description of the tract of land. Upon call for the question, all present voted in favor of the motion.

Consider a Recommendation for Destruction of Certain City Records

Commissioner Bemmels made a motion that the recommendation of the city clerk for destruction of certain city records in accordance with Section 2-903 of the Municipal Code of the City of Ottawa, 1982, the records not to be destroyed until after January 1, 1984, and that the destruction be supervised to make certain the items are properly destroyed, be approved. The motion was seconded by Commissioner Thompson. The records authorized to be destroyed are as follows:

- All claim vouchers prior to 1969
- Duplicates of receipts issued prior to 1978
- Duplicates of utility bills prior to 1978
- Accounting records of utility customers' accounts prior to 1978
- Stubs of licenses issued prior to 1978
- Bonds of officials, officers or employees terminated prior to 1969
- Insurance policies which expired prior to 1978
- Cancelled checks issued prior to 1978
- Requisition and duplicate purchase orders issued prior to 1978
- Bonds and coupons paid and cancelled prior to 1978.

Upon call for the question, all present voted in favor of the motion.

Agreement for Planning Advisory Services for 1984

Commissioner Thompson made a motion that an agreement between the City of Ottawa and Foresight for planning services for the City of Ottawa for 1984 in an amount not to exceed \$6,500 unless specifically approved by the City Commission, be approved. The motion was seconded by Commissioner McCrea. It was discussed that the city staff and the city Planning Commission were pleased with the planning services rendered by Foresight in the past, and the Planning Commission had recommended approval of the agreement. Upon call for the question, all present voted in favor of the motion.

Proposal for Bridge Inspections

Commissioner McCrea made a motion that an agreement between the City of Ottawa and the engineering firm of Cook, Flatt & Strobel for the inspection of three bridges within the city at a cost of \$295 be approved. The motion was seconded by Commissioner Bemmels. One of the bridges is located on Lincoln Street, one on west Fifteenth Street and one on east Fifteenth. It was the consensus of the commission that the fee for the inspection of the bridges was very reasonable. Upon call for the question, all present voted in favor of the motion.

Proposal for Audit of City Records

Commissioner Bemmels made a motion that the proposal of Schulte, Klein, Gaeddert & Agler, Chartered, Certified Public Accountants, for the audit of the city's 1983 financial operations for a fee not to exceed \$17,000 plus out-of-pocket expenses, be approved. The motion was seconded by Commissioner Thompson. The fee of \$17,000 plus out-of-pocket expenses is

contingent upon the city's records being in a normal operating condition. Should extraordinary circumstances arise which would require additional procedures, the firm would consult with the city on additional expenses that might be incurred. The completed audit report is to be delivered to the city on or before June 30, 1984. Upon call for the question, all present voted in favor of the motion.

Proposal for Engineering Services for City's 1984 Street Rehabilitation Program

Commissioner McCrea made a motion that a proposal from A. C. Kirkwood & Associates for engineering services associated with the city's 1984 Street Rehabilitation Program for a fee of \$10,500 be approved. The motion was seconded by Commissioner Bemmels. The streets to be considered for the 1984 program include:

Reconstruction of Willow Street from 2nd to 7th
Reconstruction of Tenth Street from Main to Cedar
Overlay of Thirteenth Street from Main to Cedar
Overlay of N. Sycamore from Redjacket to Wilson

Upon call for the question, all present voted in favor of the motion.

Resolution No. 379 - Authorizing Agreement with Kansas Department of Transportation for Improvements at Fifteenth and Main

Commissioner Thompson made a motion that a resolution authorizing the mayor and city clerk to execute an agreement with the Kansas Department of Transportation for the grading, surfacing and signalization of Fifteenth and Main Street be approved. The motion was seconded by Commissioner McCrea. The project is to include a left-turn lane, new signals which are to be traffic actuated and include a left-turn signal, at an estimated cost of \$200,000. The city is to pay ten percent of the cost with the Kansas Department of Transportation paying ninety percent of the cost. The project is scheduled for a spring letting. Upon call for the question, all present voted in favor of the motion.

Cereal Malt Beverage License Applications

The following applications for license to sell cereal malt beverage in 1984 were submitted to the City Commission for its approval:

Ottawa Country Club - E. Logan Street - Merle Sands, Manager
For consumption on the premises

William L. Jung, Inc. - 2040 Princeton Road - William L. Jung, Manager
For consumption on the premises

The Blue Room - 231 N. Main - Roger Bachelor, owner
For consumption on the premises

Safeway Stores, Inc. - 901 S. Main - Paul Horner, Manager
Package sales only

Pence Food Centers - 1428 S. Main - Charles E. Gillette, Manager
Package sales only

Fleming Petroleum, Inc. - I-35 & U.S. 59 - Jerry Harben, Manager
Package sales only

A motion for approval of the applications for issue of license for 1984 was made by Commissioner Thompson, and seconded by Commissioner McCrea. All present voted in favor of the motion.

An application for a ¹⁹⁸³ ~~1984~~ Cereal Malt Beverage License for Package Sales Only by Casey's General Store, 1002 N. Main, naming Josephine W. Barkley as manager, was presented to the City Commission. The reason for this

application is due to a change of manager in the operation of that business. Commissioner McCrea made a motion that the application of Casey's General Store be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Mayor Lister deferred a report of the City Commission's attendance at the New Orleans National League of Cities meeting until the next regular meeting of the City Commission on January 4, 1984.

As the last item of business for the City Commission for 1983, Mayor Lister read into the record a list of accomplishments achieved for the city in 1983 as follows:

ACCOMPLISHMENTS FOR 1983

1. The Ottawa City Commission launched an effective campaign to convince the voters to retain the commission manager form of government in the March primary election. The vote to abandon failed by a vote of 1741 to 1207.
2. On April 6, 1983, the voters in Franklin County approved a countywide one-cent sales tax by a margin of 2617 to 2041. The Ottawa City Commission strongly supported the effort and pledged to take sales tax proceeds to reduce property taxes and maintain current level of services.
3. On June 9, 1983, the City of Ottawa was notified that it was successful in its attempt to obtain a \$480,000 grant from the U. S. Department of Housing and Urban Development to finance the final phase of the Skunk Run storm drainage improvement.
4. On May 26, 1983, the City of Ottawa was notified by the Federal Aviation Administration that it was successful in obtaining a \$324,540 grant to finance the construction of a thirty foot parallel taxiway at the Ottawa Municipal Airport.
5. On June 18, 1983, the City of Ottawa was notified by the Kansas Department of Transportation that it had been awarded 90-10 matching funds to finance intersection improvements at 15th & Main. On August 3, 1983, the City Commission awarded an engineering contract to A. C. Kirkwood & Associates to design the intersection improvements.
6. On September 30, 1983, the City of Ottawa was notified by the Kansas Department of Health and Environment that it would receive a grant in the amount of \$2,617,720 to finance the construction of a new wastewater treatment plant and collector system improvements. On November 22, 1983, the city reviewed bids taken \$388,038.50 for Contract #1 and \$1,872,711.00 for Contract #2, which were substantially below engineer's estimates.
7. On August 26, 1983, the Ottawa City Commission authorized a contract in the amount of \$83,000 to finance substation improvements at the KCP&L substation to enable the city to draw additional power through its wheeling agreements. This event culminated years of negotiation with KCP&L which originally envisioned the construction of a \$1.4 million 161 KV transmission line to be constructed and maintained by the city. The final effort provides the city with approximately 20 megawatts of wheeling capacity from KCP&L.
8. On May 24, 1983, the city completed negotiations with the AT&SF railroad for a construction timetable dealing with the construction of a new box culvert at the 7th Street railroad crossing. The railroad granted the city additional time to shut down the railroad in order to remove and replace the existing culvert.

9. On September 29, 1983, the city received its two new IBM microcomputers to be used in the city manager's office for word processing, spreadsheet analysis, recordkeeping and database management.
10. On May 1, 1983, the Ottawa City Commission issued Industrial Revenue Bonds in the amount of \$1,880,000 for the construction of a new 120-bed nursing home and 24-unit apartment complex to be located on W. 15th Street.
11. On August 27, 1983, the City Commission issued a resolution of intent in the amount of \$1,600,000 to the Franklin Savings Association for the construction of a new two-story corporate headquarters building at the intersection of 1st and Hickory.
12. On August 17, 1983, the City Commission issued a resolution of intent to Wal-Mart, Inc. in the amount of \$2,000,000 for the construction of a 65,400 square foot building in south Ottawa.
13. On September 21, 1983, the City Commission issued a resolution of intent to Berwyn Bender in the amount of \$6,300,000 for the purchase of Ottawa Truck from Gulf & Western Industries.
14. On December 7, 1983, the Ottawa City Commission issued a resolution of intent to GRP Investments in the amount of \$2,000,000 for the purchase and rehabilitation of the North American Hotel to provide for 44 units of apartments, a restaurant and retail space.
15. On June 15, 1983, the Ottawa City Commission passed Resolution No. 363 establishing enterprise zones to encourage economic development in the City of Ottawa. Enterprise zones provide tax incentives to local industries to increase employment and provide capital improvements.
16. On December 21, 1983, the City of Ottawa entered into a contract with KMEA and the Southwest Power Administration to provide for 800 Kw of hydroelectric power in 1984, and 1400 Kw in 1985. The city will schedule this power when it is available from SPA.
17. The City of Ottawa submitted an application to the Western Power Administration (WPA) for an allocation of power to be available in the late 1980's.
18. The end of 1983 saw the near completion of several projects; the downtown revitalization; the 7th Street reconstruction; the library sidewalk improvement; and numerous storm drainage improvements.

The upcoming year holds much promise for the City of Ottawa. We shall see additional street improvements, completion of the Skunk Run storm drainage improvement, completion of the North Main widening and bridge replacement, completion of airport improvements, completion of the 15th & Main intersection improvement, as well as other smaller projects. In addition, city residents will see construction of two new dormitories for COF, Inc., construction of a new Wal-Mart store, opening of a new Aldi store, completion of Franklin Savings, completion of the nursing home, completion of the OU administration building remodeling, completion of the North American Hotel renovation and hopefully sale of the OID speculative building.

There being no further business the meeting was adjourned. The text of the meeting is on tape in the office of the city clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk